

35. 24.03.2023
Court No.13
Tanmoy Ghosh

WPA 5682 of 2021

**Ram Prasad Mitra
-Versus-
State of West Bengal & Ors.**

**With
IA No: CAN/1/2022
With
IA No: CAN/2/2022**

Mr. Syed Arif Ahmed, Adv.

...for the petitioner/applicant.

Mr. Lalit Mohan Mahata, Ld. AGP,
Mr. Prasanta Behari Mahata, Adv.

...for the State.

In Re: IA No: CAN/2/2022

Sufficient grounds are available to explain the delay of 84 days in filing IA No: CAN/1/2022.

The delay is condoned.

The application being IA No: CAN/2/2022 is disposed of

In Re: IA No: CAN/1/2022

Sufficient grounds are available to explain the absence of the petitioner on July 6, 2022. The said order is recalled.

The writ petition is restored to its original file and number.

The application being IA No: CAN/1/2022 is disposed of.

In Re: WPA 14304 of 2017

The petitioner is aggrieved that the private respondents have been occupying his ancestral property at Noypukuria, P.S. – Joynagar, District – South 24-Parganas. The private respondents are stated to have prepared fake documents and are occupying the petitioner's property. The petitioner has lodged a complaint with the Bakultala P.S., but in vain. The Police filed a report dated March 24, 2023. The report indicates a proceeding under Sections 107/116(3) of the Code of Criminal Procedure, 1973 has been taken out on the petitioner's complaint.

This Court is of the view that the dispute with regard to the title of the petitioner's property is civil in nature. The petitioner is required to obtain civil remedies in respect of alleged fake documents prepared by the private respondents.

Reserving liberty as indicated above, to the petitioner, the writ petition being WPA 5682 of 2021 is disposed of.

Report of the Bakultala P.S. is kept with the records.

(Rajasekhar Mantha, J.)