

12-06-2023
ct no. 13
sl. no. 44
sp

WPA 5690 of 2023
Lokenath Das & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Debabrata Karan,
Mr. Debopriyo Karan

...for the petitioner

Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin

...for the State

Mr. Animesh Mukherjee,
Md. Ali Ahasan

...for the private respondents

1. The petitioners claim that the private respondents have forcibly occupied the petitioners' land. The petitioners filed a civil suit in which an order of status quo has been passed.
2. The private respondents claim to be the leaseholders of the property of the petitioners.
3. This Court is of the view that neither the police nor the Writ Court can decide the entitlement of the petitioners or the private respondents to the property in question.
4. The parties may thrash out their rights in respect of the property in the Civil Court.
5. The police have taken out proceedings under Sections 107/107 of the Cr. P.C.

6. The police shall, however, ensure that that there is absolutely no breach of peace in the area.
7. The report of the police dated 13.03.2023 is kept with the record.
8. With the aforesaid observations, the instant writ petition shall stand disposed of.
9. There shall be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)