

D/L
Item No. 01
27.03.2023
KOLE

**CPAN 386 of 2023
With
WPA 27104 of 2022
Bimal Prakash Sarda
-Vs.-
Prem Jeet Chowdhuri & Ors.**

*Mr. Aniruddha Chattejee,
Mr. Kushal Chatterjee,
Mr. Rajesh Upadhyay,
Mr. S. Biswas,*

...for the petitioner.

*Mr. Subhabrata Dutta,
Mr. S. Panja,*

...for the contemnor no. 1.

What started as a writ petition for inaction by the police who assisted the petitioner in constructing a wall, has snowballed into a controversy as regards the title of the property of the petitioner vis-à-vis the private respondents. There is also an allegation that the petitioner's property does not exist in the eye of law.

All these matters were not brought to the notice of this Court on the day when the order was passed in the writ petition.

The private respondents, are guilty of approbation and reprobation.

Be that as it may, this court is of the view that the civil disputes as regards, existence, title, extent and entitlement of the properties of the parties cannot be adjudicated in the writ petition and much less in a contempt proceeding.

CPAN No. 386 of 2023 stands disposed of, reserving the liberty to the petitioner and the private respondents to agitate their grievances before an appropriate civil forum.

For taking different stands in the original writ petition and in course of the hearing of the contempt application, the private respondents are required to be suitably dealt with. Costs assessed at Rs. 10,000/- shall be paid by the private respondents to Beliaghata Police Station.

All parties shall act on the server copy of this order duly downloaded from official website of this court.

(Rajasekhar Mantha, J.)