

15.06.2023
Court No.13
Item No.5
AP

WPA 8457 of 2023

**Suresh Das
Vs.
The State of West Bengal & Ors.**

Mr. Debarati Choudhury
Mr. Mrinmay Nandy

... For the Petitioner.

Mr. Amrita Lal Chatterjee

... For the State.

1. The petitioner complains that under the garb of enforcing the order dated 19th January, 2023, the Inspector-in-Charge, Murshidabad Police Station has prevented the petitioner from entering into his property.

2. Learned counsel for the State has produced a report in the form of instructions dated 12th April, 2023 issued by the IC, Murshidabad Police Station addressed to the learned Government Pleader and the same is taken on record.

3. Learned counsel for the State submits that pursuant to the order dated 19th January, 2023 proceedings under section 107 of the CrPC have been taken out. The petitioner was never instructed not to enter into his property.

4. A copy of the report be made available to the petitioner.

5. It is not possible for this Court or police to determine who is in possession of the property. The petitioner may establish any civil rights in respect of the property before any appropriate civil or statutory forum.

6. With the aforesaid observations, the writ petition shall stand disposed of.
7. There shall be no order as to costs.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)