

W.P.A. 9713 of 2023

**Sri Chandan Kumar Batabyal & Anr.
Vs.
The State of West Bengal & Ors.**

Ms. Malyasree Maity
....for the petitioners

Mr. Sajal Kanti Bhattacharyya
Mr. Saikat Chatterjee
...for the private respondents

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
...for the State

The petitioners complain of police inaction.

The learned advocate for the petitioners submits that the petitioners have submitted a representation before the police authority alleging that the private respondents have encroached the front portion of the property of the petitioners resulting in obstruction of ingress and egress to the portion which the petitioners are in occupation. It appears from the record that Title Suit being 199 of 2021 is pending before the learned Civil Judge, Senior Division, 2nd Court Tamluk, District-Purba Medinipore. The learned Civil Judge passed an ad interim order on December 2nd, 2021 directing the defendant no. 1 in the said suit not to change the nature and character of the suit property till the next date. It further appears from the said order that the suit which is pending before the learned Civil Court is a suit for partition. The learned Civil Judge has also passed an order

appointing an Advocate Commissioner to conduct inspection of the property.

After going through the materials on record this Court is of the considered view that the dispute involved between the private parties is primarily with regard to the right, title, interest and possession as well as the manner of enjoyment of the property which is the subject matter of civil suit. Since the civil suit is pending, this Court cannot enter into and adjudicate upon the disputed question of title and possession in this writ petition.

Mr. Santanu Kumar Mitra, learned advocate representing the State submits that on the basis of the complaint made by the petitioners and upon making necessary enquiries prosecution vide Nandakumar P.S. NCR No. 1103 dated 30th April, 2023 under Section 107 of the Criminal Procedure Code against the respondent nos. 6,7 & 9 has been submitted. He further submits that on the basis of the complaint of the petitioners Nandakumar P.S. Case No. 27/2020 dated January 20, 2020 under Sections 447/379/506/34 of the Indian Penal Code was registered against the private respondents 6 and 9 and after completion of investigation the investigating officer has already submitted the charge sheet. It appears from the written instructions given by the Officer-in-charge Nandakumar P.S. to the learned advocate for the State that there are several complaint and counter complaint made by the private parties against each other and steps

have also been taken by the police authorities on the basis of such complaint and counter complaint.

In view thereof this Court is of the considered view that there is no inaction on the parties of the police authorities.

With the above observations the writ petition stands disposed of.

(Hiranmay Bhattacharyya, J.)