

December 20, 2023
AD 766
Ct. No.14
SG

WPA 14826 of 2023

Haripada Pramanik
vs.
The State of West Bengal and others

Mr. Malay Bhattacharya
Ms. Renesa Dey
... for the petitioner

Mr. Ansar Mondal
Ms. Ghazala Firdous
... for the State

Mr. Debashis Saha
Ms. Srabanti Das
... for the respondents

Affidavit of service filed in Court is taken on record.

Report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a co-sharer of the property in question. The private respondents are also co-sharers in the said property. They have forged a deed and recorded the property in their names. This was brought to the notice of the police, but no FIR was registered. Now, the private respondents are trying to grab the entire property and oust the petitioner from it.

Learned advocate for the private respondents denies the allegations made in the writ petition and submits that the private respondents are the owners of the property in question.

Learned advocate for the State relies on the report and submits as follows. The petitioner's appeal before the statutory authority under the Land Reforms Act has been dismissed. The petitioner can very well approach the civil court for appropriate relief. However, the police are keeping a close watch on the developments in the locality.

It appears that a civil dispute exists between the parties. If any of the parties want to establish further right in respect of the property, the same has to be done before a civil court.

If the petitioner is aggrieved with any action of the private respondents and it makes out a cognizable case, he shall be at liberty to take steps in terms of ratio laid down in *Aleque Padamsee's case* reported at (2007) 6 SCC 171.

Therefore, no further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

Parties shall act on a server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

