

09.02.2023
Court No.13
Item No.26
AP

WPA 18962 of 2022

**Manasi Das
Vs.
The State of West Bengal and Ors.**

Mr. Mahammad Mahmud

... For the Petitioner.

Mr. Gazi Faruque Hossain
Ms. Priyanka Mondal

... For the Respondent Nos.4 to 7.

The petitioner claims that the private respondents have obstructed construction on her property. The petitioner claims to have received the property in gift from her husband. Her name is recorded in the office of the BL & LRO. She has paid taxes. She has also obtained the sanction plan from the local panchayat.

The private respondents submit that they are co-sharers along with the petitioner in respect of the said property. It is vehemently asserted that the property has not been demarcated between the petitioner and the private respondents.

A report dated 29th August, 2022 has been filed by the Officer-in-Charge, Dhaniakhali Police Station and the same is taken on record.

It appears from the report that proceedings under Sections 107, 116 of the CrPC have been drawn up. There have been earlier orders under Section 144 of the CrPC passed by the Executive Magistrate to maintain peace and tranquility.

This court is of the view that the disputes between the petitioner and the private respondents are purely civil in nature. The police have no role to play in deciding the title of the parties.

This Court finds no inaction on the part of the Dhaniakhali Police. Parties may approach the Civil Court for any appropriate relief in accordance with law.

Dhaniakhali Police shall, however, ensure that there is absolutely no breach of peace in the area.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)