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19.09.2023
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Ct 14

WPA 19387 of 2023

Netai Biswas
-vs-
State of West Bengal & ors.

Mr. Raja Biswas

....for the petitioner
Mr. Khalid Hasan
...for the respondent nos. 4 to 7

Mr. Jayanta Samanta
Mr. Manik Lal Dey
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the respondent no.4, his elder brother, jointly purchased a property in 1991. In 2006, the private respondents and others forcibly drove out the petitioner from such building and the petitioner was compelled to stay in a hutment. Now, since the petitioner's daughter is growing up, the petitioner wants to stay in the building itself. But, the private respondents are not allowing them in.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. Earlier, a verbal arrangement was

made between the parties by which the petitioner is now occupying about half of the total land in question and the private respondents are staying in the building in the other half of the land. In fact, there is a barricade between the two portions. The private respondent no.4 has filed a partition suit in this regard, which is pending.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is a civil dispute pending between the private parties. However, on a complaint made by the petitioner, a specific FIR being Dubulia Police Station Case No. 456 dated 15.09.2023 was registered. The same is being investigated. A proceeding was earlier drawn up under Section 107 of the Code.

It appears that a civil dispute exists between the private parties.

The private respondents have tried to make out a case that out of own violation, the petitioner had chosen to stay on half portion of the land which did not contain the building.

If any of the parties claim a relief regarding his propriety or possessory right in respect of the such property, the same has been done before a Civil Court.

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

However, the police authority shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it that no order of a Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)