

12 20.09.2023
NB Ct. 14

WPA 20105 of 2023
Debprosad Konar
Vs.
The State of West Bengal & Ors.

Mr. Soumya Ray,
Mr. Ashok Halder,
Ms. Reshmi Mukherjee.
...for the petitioner.

Mr. Wasim Ahmed,
Md. Shehabuddin.
...for the State.

Mr. Nilanjan Chatterjee.
...for the respondent nos.5to8.

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

Copies of documents filed on behalf of the petitioner and the private respondents are also 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 is an 86 year old cancer survivor. Two brothers had purchased certain properties individually or as co-sharers. They also inherited certain properties. The private respondent nos.5 to 8 are the petitioner's nephews from other brothers and respondent no.9 is their accomplice. They are politically influential and by using such influence and muscle power, they are disturbing the petitioner's possession of such properties. They are preventing the petitioner even from entering into the petitioner's self-acquired property. There are some shops in one such

property. The private respondents are illegally collecting levies from the said shop owners.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. In fact, the petitioner is trying to grab the ancestral property himself. There is an ancestral property at Kolkata where the petitioner does not allow the private respondents to enter.

Learned counsel appearing on behalf of the State relies on the report and submits that there exists a civil dispute between the private parties before the application was filed. The private respondents have moved an application under Section 144 of the Code of Criminal Procedure.

It appears that there are disputes pending between the parties, some of which are civil in nature.

None of the parties have any right to prevent the other from entering into a jointly owned ancestral property unless the same had been partitioned. Let the private respondents keep that in mind and act accordingly.

However, It is primarily a dispute of civil nature. Any relief sought by any of the parties in this regard has to be prayed for before a civil Court.

The respondent police authorities shall nevertheless keep a sharp vigil at the locale and ensure that no breach of peace takes place and no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)