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20.09.2023
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Ct 14

WPA 20551 of 2023

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

Ms. Tanusree Ghosh
...for the petitioner
Mr. Snehansu Majumder
Mr. Souvik Sen
Ms. Moumita Nandan
...for the private respondents

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
....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 private respondents files a copy of a plaint in T.S. No. 74 of 2023. The same is taken on record.

A copy of the same is handed over to the learned counsel for the petitioner.

Learned counsel for the petitioner submits as follows. The petitioner is the brother of the respondent no.7 and the respondent no.8 is the wife of the respondent no.7. The petitioner had purchased a share of another brother in the undivided ancestral property. But, the private respondents are disturbing the peaceful possession of the petitioner in respect of such property and are trying to grab the said

property. They are threatening and intimidating the petitioner and preventing him from making any construction work on the property. In fact, on one occasion, a local police personnel without any authority of Court called the petitioner to the police station and detained him there for some time. A representation was made before the police authorities about the atrocities committed by the private respondents. But, no actions were taken.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made in the writ petition are denied. The respondents have already filed a civil suit for partition of the ancestral property. The petitioner could not have purchased any share from another co-sharer without an offer being made to the other co-sharers or without notice to the others.

Learned counsel for the State relies on the report and submits as follows. The dispute between the private parties is purely civil in nature. However, on the complaint of the petitioner, a proceeding has already been initiated under Section 107 of the Code. The complaint otherwise do not disclose the cognizable offence.

It appears that a civil suit is pending between the private parties.

Any relief sought by any of the parties in respect of such property has to be before a Civil Court.

However, the police authority shall keep a sharp vigil at the locale, 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.)