

10 27.07.2023
RP Ct. No. 01
AN

MAT 1888 of 2022
with
IA No. CAN 1 of 2023

Bhanumati Devi & Ors.
Vs.
State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty
Mr. Debasish Kundu

... For the Appellants

1. This intra-Court appeal filed by the writ petitioner is directed against the order dated 9th November, 2022 passed in WPA 8897 of 2022. In the said writ petition, the writ petitioner sought for declaration upon the respondent police to ensure that she peacefully resides in the premises owned by her and there are also other certain reliefs sought for against the private respondent, who according to the appellant, has illegally retained possession of one room in the said building. It is submitted that the private respondent is involved in a criminal case and at present he is in judicial custody. There is also a further allegation that a person claiming to be the brother of the fourth respondent, namely, Kartick Sonkar, is illegally using the room and he is also involved in a criminal case. Further, the appellants would state that the period during which the private respondent was permitted to occupy the said room is over and the appellants seek keys to unlock the room to remove certain articles kept by the fourth respondent in the room and the possession of the room be

handed over to the appellants. Such relief cannot be granted and rightly such relief was declined by the learned Single Bench as the dispute between the parties is purely civil in nature. However, it is well open to the appellants to take appropriate steps against the private respondent in accordance with law before the appropriate authority. Further, considering the facts and circumstances of the case and the age of the appellants the cost imposed by the learned Single Bench in the impugned order is deleted.

2. With the aforesaid observations, both the appeal and the connected application are **disposed of**.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)