

11.01.2023.  
Court No.13  
Item No. 25  
ap

**W.P.A. No. 28540 of 2022**

**Nityananda Pal  
Versus  
The State of West Bengal & Ors.**

Mr. Ganapati Gangopadhyay.  
... For the petitioner.

Affidavit-of-service filed in Court today be taken  
on record.

The petitioner complains that he has been  
thrown out of his residence and is living in the open.

It appears from the pleadings in the writ  
petition, particularly paragraph 5 thereof that the  
house of the petitioner is an old and dilapidated one.

Report of the Inspector-in-charge, Bishnupur  
Police Station dated 2<sup>nd</sup> January, 2023 addressed to  
the State Advocate is taken on record.

The report of the Bishnupur Police Station  
clearly indicates that construction thereon is being  
effected by one Tina Mondal, who is the niece of the  
petitioner.

Counsel for the petitioner denies any knowledge  
of anybody called Tina Mondal.

In the above circumstances, this Court directs  
the petitioner to approach before the Civil Court, since  
admittedly the petitioner and his brother are the co-  
sharers in a property, the issue with regard to

demarcation of the shares of each person shall be decided in the appropriate Civil Court.

In the above circumstances, there is no scope of passing any orders in the instant matter.

The Inspector-in-charge, Bishnupur Police Station shall, however, ensure that there is no breach of peace in the area.

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

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***