

S/L 59  
19.4.2024  
Court No.14  
SD

WPA 2456 of 2024

Chandan Gupta  
Vs.  
The State of West Bengal & Ors.

*Md. Hossain*

*...for the Petitioner.*

*Mr. Ansar Mondal*

*Md. Idrish*

*...for the State.*

*Mr. Debjit Mukherjee*

*Mr. Kaustav Bhattacharya*

*...for the Private Respondent.*

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 is a co-sharer in the property in question. After the demise of the owner of the property it devolved on the petitioner, his brother and his mother. But the private respondents forcibly and illegally dispossessed and ousted the petitioner and his family members from the property. This prompted the petitioner to file a complaint before the police authority on 19.01.2024. But no steps were taken. Earlier the wife of the petitioner was compelled to file an application under the provisions of the Protection of Women from Domestic Violence Act because of torture committed by the private respondents.

Learned counsel appearing on behalf of the private respondents denies the allegations and submits as follows. The incidents pertaining to the Protection of Women from

Domestic Violence Act have not been disclosed properly. The petitioner has been residing elsewhere for a very long time out of his own volition. If at all the petitioner's remedy would lie before a civil court.

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, the petitioner has been staying elsewhere along with his family members for the last seven years. In December 2023 when the petitioner tried to enter into the property, he was restrained by his mother, the private respondent no.7.

It appears that there is a civil dispute pending between the parties.

If any of the parties wants to establish any further right in respect of the said property, the same has to be done before a civil court.

Even if one goes by the plain allegations made by the petitioner that he was dispossessed from the property from 19.01.2024, he could have approached a Magistrate under Section 145 of the Code. Even that has not been done.

In view of the above, no further order need be passed in this regard.

However, the police authorities 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, WPA 2456 of 2024 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

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

**(Jay Sengupta, J.)**