

18.04.2024
Sl. No.108
g.b.
Court No.14

W.P.A. 6433 of 2024

Susmita Kolay
-Vs-
The State of W. B. & Ors.

Mr. Mir Anowar
.....For the Petitioner
Mr. Jayanta Samanta
Mr. Balako Sen
.....For the State
Mr. Subhajit Chatterjee
Mr. Mrinal Kanti Biswas
Mr. Devendra Kr. Ojha
.....For the Respondent No.4

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

Report filed by the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. She purchased the property in 2023 along with a garage. On 20.06.2023 she took the possession of the property. When she went to park her car in the garage, she found that an autorickshaw belonging to the private respondent no.4 was parked there. She was prevented from taking possession of the garage. It was reported to the local police station, but no step was taken.

The private respondent no. 4 denies the allegation and submits that his client is also the owner of a flat and a car parking space.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. There is an on-going civil dispute between the private parties over the garage space. The police authorities filed a report in a proceeding under Section 144 of the Code started in this regard. The garage space has not been well demarcated.

The police are keeping a close watch on the developments in the locality.

It appears that the petitioner purchased a property. When she went to take the possession of the same on 20.06.2023, she could not take the possession of the garage as the same was being occupied by the private respondent no.4.

It is surprising that she has not approached the civil court.

If any private party wants to establish any further right in respect of the property, the same had to be done before a civil court.

It also appears from the report of the State that the garage space is not well demarcated.

Therefore, it is not for the police to decide the question of possession of a car parking space.

Accordingly, I do not find any merit in this application and the same is dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all formalities.

(Jay Sengupta, J.)