

S/L 46
20.3.2024
Court No.14
SD

WPA 10728 of 2023

Ajay Roy @ Ajoy Roy
Vs.
The State of West Bengal & Ors.

Mr. Nikhil Kr. Gupta
Mr. Rameshwar Sinha

...for the Petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

...for the State.

Report filed on behalf of the State is taken on record.

It appears that the private respondents could be served with notice.

Learned counsel appearing on behalf of the petitioner submits that the private respondent being the petitioner's own brother ousted the petitioner from the property in question about three years ago. This despite the fact that the petitioner is the half co-sharer and recorded owner of the property.

It is claimed by the petitioner that he was ousted from the property in question about three years ago. All this long he had neither approached the civil court nor filed proceeding under Section 145 of the Code of Criminal Procedure to get back possession.

The case involves disputed questions of fact that could be best agitated before a civil court.

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.

Therefore, no further order need be passed in this regard.

However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, WPA 10728 of 2023 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.)