

02.07.2024
Ct. No. 14
Sl. No.22
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 12751 of 2023

**Sabir Ali Sheikh
Vs.
The State of West Bengal & Ors.**

Mr. Kaustav Banerjee
Ms. Riya Kundu
... For the petitioner.

Mr. Amrita Lal Chatterjee
... For the State respondents.

Mr. Mosihar Rahaman
Mr. Nikhil Kumar Gupta
... For the respondent nos. 6 & 7.

The petitioner claims to be the owner of the subject plot of land which has been recorded in his favour recently.

Grievance of the petitioner is that the private respondents are not permitting the petitioner to enter the said plot of land.

Complaint was lodged before the police and it is reported that the police did not take any step in the matter.

Learned Advocate representing the private respondents submits, upon instruction that, the land

was sold in favour of the predecessor-in-interest of the private respondents way back in the year 1976. The private respondents claim to have all the title deeds and submit that tax in respect of the said land is also paid by them.

It has been submitted that the petitioner is trying to forcibly enter into and encroach their property.

Report filed by the Officer-in-Charge, Parulia Coastal Police Station signed on 2nd July, 2023 that on receipt of the information of altercation between the parties the Parulia Coastal Police Station P/R No. 140/23 dated 07.05.2023 under Sections 107/116(c) CrPC has been submitted.

A further General Diary Entry being No.137 dated 07.05.2023 was also recorded.

It appears from the submissions made on behalf of the parties that the issue is with regard to the possession of a plot of land. The private respondents claim to be in possession. The petitioner claims that the private respondents are restraining the petitioner from taking over possession.

There are several disputed question of facts in the writ petition which cannot be adjudicated by the Writ Court.

The police will also not be the appropriate authority to decide as to who should be in possession of the subject plot of land.

The parties are, accordingly, relegated to the Civil Court for taking necessary steps in the matter for redressal of their grievances.

The police shall ensure that there is no breach of peace at the locale and the life and property of neither of the parties should be endangered in the hands of the other.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)