

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

03.06.2024
Sl. No.11
tkm

W.P.A. 15040 of 2024

**Merry Gupta
vs.
The State of West Bengal & Ors.**

Mr. Debasis Kar

....for the petitioner

Mr. Swapan Banerjee
Mr. Soumen Chatterjee

....for the State

1. The petitioner prays for a direction upon the police to put her back in possession of a property from where she has been forcefully removed by the private respondent.
2. From the documents annexed to the writ petition it appears that a civil suit in between the parties is pending consideration before the learned Civil Judge (Junior Division), 1st Court, Serampur, Hooghly being Title Suit no. 556 of 2019. An order of injunction was passed by the learned Civil Court on 24th December 2019 restraining the defendants from alienating any portion of the suit property or to create any third party interest therein.
3. Learned advocate appearing for the petitioner submits that an application seeking restoration of possession is pending consideration before the learned Civil Court.
4. None represents the private respondent.
5. Learned advocate representing the State respondent relies upon a report forwarded by the Inspector-in-Charge, Uttarpara P.S, signed on 3rd June 2024 wherefrom it appears

that there is an existing civil suit in between the parties. A proceeding under Section 107/116(3) Cr.P.C has been drawn up against the respondent no. 4.

6. As it appears that an application seeking restoration of possession is pending consideration before the learned Civil Court, accordingly, this Court is not inclined to exercise jurisdiction under Article 226 of the Constitution of India directing the police to put back the petitioner in possession.
7. It will be open to the petitioner to approach the Civil Court for remedy.
8. In the event the petitioner approaches the Civil Court, the learned Court shall endeavour to dispose of the prayer of the petitioner at the earliest but positively within ninety days from the date of approaching the learned Court.
9. Writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)