

12.07.2024.
PB
Sl. No.9.
Ct. No.14.

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

WPA 15533 of 2024

Safanagar Atreyee Vidyaniketan & Anr.
Vs
The State of West Bengal & Ors.

Mr. Debasish Roy,
Mr. Biswajib Ghosh,
Ms. Sumitra Das.
.....for the petitioner.

Mr. Ayan Ch. Roy,
Mr. Anirban Datta.
.....for the State.

Mr. Sreyas Basu Dasgupta,
Ms. Dipanwita Das.
.....for the private respondents.

The petitioner alleges that the private respondents are creating disturbance and standing in the way of the petitioners in running the primary school. Complaint was lodged before the police and no step is reported to have been taken in response thereto.

The petitioner and the private respondents are co-owners of the said property. A suit for partition is pending consideration before the learned Civil Court.

Learned advocate representing the private respondents submits, on instruction, that the private respondents have filed a suit for partition and the learned Civil Court will decide the share of the parties.

Learned advocate representing the State respondents relies upon instruction forwarded by the Officer-in-Charge, Kumarganj Police Station, signed on 18th June, 2024, mentioning that there are allegations and counter-allegations filed by both the parties.

Police initiated the case no.122 of 2024 dated 4th May, 2024, in which investigation was done and report in final form has been submitted with the charges punishable under the provisions of the Indian Penal Code vide Charge-Sheet No.122 of 2024 dated 30th May, 2024. The police have also filed prosecution under Section 107/116(C) CrPC dated 8th May, 2024.

The police registered a case being P.S. Case No.255 of 2023 dated 26th August, 2023 and after investigation, report in final form with the charges punishable under the provisions of the Indian Penal Code vide Charge-Sheet No.269 of 2023 dated 20th September, 2023 has been filed. Further case being P.S. Case No.254 of 2023 dated 26th August, 2023 under the provisions of the Indian Penal Code was investigated and report in final form vide Charge-Sheet

No.280 of 2023 dated 28th September, 2023 has been filed before the learned Court.

From the submissions made on behalf of the parties, it appears that indeed there is a dispute with regard to the civil rights of the parties. A suit for partition before the Civil Court is pending consideration.

As regards protection of civil rights, it will be open for the parties to approach the competent Civil Court for relief.

The police are directed to ensure that there is no breach of peace in the locale and the life and property of the parties are not endangered in the hands of the other party.

Writ petition is 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.)