

19.12.2024
Item No.32
Ct. No.35
dc.

W.P.A. 18112 of 2024

**Avijit Dutta & Anr.
versus
The State of West Bengal & Ors.**

Mr. Debductta Basu ... For the Petitioners.

Mr. Debabrata Banerjee,
Ms. Chandramala Mukherjee ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that in spite of being one of the owners in respect of the property, he has been thrown out of his premises and the documents of his family are also lying inside the said premises wherein padlock has been affixed and he is not allowed to enter. The petitioner has taken steps before the civil court where title suit is pending. There were disputes, differences and scuffling for which Bizpur Police Station has already registered cases.

In view of the aforesaid, that the criminal court and the civil court both are in seisin of the proceedings by way of invoking the provisions of Article 226 of the Constitution of India, no interference can be made. The petitioner will ventilate his grievance before the criminal court in

respect of the documents which are in the premises concerned by way of taking out an appropriate application under the relevant provisions of law.

So far as possession of the petitioner is concerned, if the civil court is already in seisin of the matter and if there are change of circumstances that must be brought to the notice of the civil court.

With the aforesaid observations, the writ petition being WPA 18112 of 2024 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)