

26.09.2024
Sl. No. 225
g.b.
Court No.07

W.P.A. 20959 of 2024

Rakibul Islam
-Vs-
The State of W. B. & Ors.

Mr. Rabiul Islam
Mr. Raju Mondal
Mr. Masooq Rahman
.....For the Petitioner
Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
Mr. Biman Halder
.....For the State
Mr. Amanul Islam
Mr. Sourav Mukherjee
....For the Private Respondent Nos. 6 to 8

The petitioner has filed this writ petition praying for a direction upon the police authorities to protect the life and property of the petitioner and his family members and to render assistance so that the petitioner can peacefully construct the building without any disturbance from the private respondents.

The learned advocate appearing for the private respondents submits that a suit for partition being Title Suit No. 487 of 2024 is pending before the learned Civil Judge (Sr. Division) at Baharampur between the petitioner and the private respondents.

A copy of the plaint of the partition suit has been produced by the learned advocate for the private respondents in course of hearing of this writ petition.

After going through the plaint of the said suit, this court finds that the subject matter of the partition suit relates to LR Dag No. 726, 727 and 728 within Mouza – Jarunpur under Police Station Domkal, District Murshidabad.

Since a suit for partition is pending before the learned Civil Judge, the petitioner will be at liberty to

approach the learned Civil Court. In case the petitioner faces any disturbance in the matter of raising construction of building on the property which is the subject matter of the suit for partition.

In so far as the prayer for a direction upon the police authorities to protect the life and property of the petitioner is concerned, this court directs the Officer-in-charge, Domkal Police Station to see that no breach of peace and tranquility takes place at the locale.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)