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24.09.2024
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WPA 21387 of 2024

Ashwini Kumar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Lal Ratan Mondal
Mr. Dilip Kumar Sadhu
... for the petitioner.

Mr. Nirupam Dutta
Mr. Ivan Roy
... for the private respondent.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud
... for the State.

The petitioners claim to be in possession in respect of an immovable property.

Learned advocate for the petitioner submits that the private respondents are creating obstruction in the matter of cultivation of the land by the petitioner.

The learned advocate for the private respondent submits that the petitioner is not in possession of the property and the private respondents are in possession of the same. He also submits that recording of the name of the petitioner in the Record of Rights is erroneous.

Learned advocate for the State submits that the dispute between the parties is civil in nature and the police

authority cannot decide the same.

After hearing the learned advocates of the respective parties and considering the materials on record, this Court is of the considered view that there is a dispute between the private parties with regard to possession of an immovable property. The police authorities cannot decide the issue of possession of private parties. It will be open to the petitioner to approach the Civil Court for necessary relief. However, the police authorities shall ensure that no breach of peace take place at the locale.

With the above observations and directions, the writ petition stands disposed of.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)