

23
07.10.2024
KC

WPA 21718 of 2024

Smt. Shila Sarkar Halder
Vs.
The State of West Bengal & Ors.

Mr. Nirmalendu Das
Ms. Gopa Das
... for the petitioner.

Mr. Ashish Kumar Guha
Mr. Anirban Dutta
... for the State.

The petitioner alleges that the private respondent, who is a promoter, has illegally transferred the property of the petitioner to a third party.

The petitioner claims to have lodged a complaint with the Officer-in-Charge of local police station.

The learned advocate for the petitioner, however, submits that the private respondent has filed a suit being T.S. No. 1054 of 2023, which is presently pending before the learned Civil Judge (Junior Division), 6th Court at Alipore. A copy of the plaint of the said suit has been filed in Court today.

Learned advocate for the State submits that the dispute is purely a civil dispute. Since a suit is pending, this Court is not inclined to interfere in the writ petition.

Since a Civil Court is in seisin over the inter se private dispute between the petitioner and the private respondent pertaining to an immovable property, the petitioner is left free to approach the Civil Court for appropriate reliefs. However, the Inspector-in-Charge, Maheshtala Police Station is directed to ensure that no breach of peace takes place at the locale.

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

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

(Hiranmay Bhattacharyya, J.)