

Sl.58
25.09.2024
S. Gayen
ct.no.7

W.P.A. 21730 of 2024

**Madan Shi
Versus
State of West Bengal and Ors.**

Mr. Satyendra Agarwal
Mr. Tarak Nath Sarkar
Mr. Gautam Malik
...for the petitioner.

Mr. Suman Ghosh
Mr. Gaurav Das
...for the State Respondents.

The learned advocate for the petitioner submits that the petitioner purchased a portion of an immovable property from the private respondents. The petitioner claims to have mutated his name in the records of the panchayat authorities and has also obtained a sanctioned plan from the concerned panchayat authorities for raising a construction thereupon. The petitioner alleges that the private respondents herein are creating disturbance in the matter of raising construction of the building by the petitioner.

The petitioner has claimed various reliefs in this writ petition. The petitioner has prayed for an order directing the respondent authorities to evict the

illegal occupants from the plot of land as well as the main entrance and to restore possession in favour of the petitioner and also to allow the petitioner to complete the dwelling house. The petitioner has also prayed for an order directing return of the advance money and to reinstate the petitioner in their own house.

After going through the averments made in the writ petition, the Court finds that the disputes between the petitioner and the private respondents have arisen out of some agreements entered into between themselves and payment of advance pursuant to the said agreement. The petitioner has also alleged that the private respondent is in illegal occupation of a portion of an immovable property.

Inter se disputes in respect of an immovable property between the private parties have to be adjudicated by trial on evidence. Such disputed questions of fact cannot be decided in the writ petition.

The petitioner has also prayed for a direction upon the respondent police authorities to take action on the basis of the complaint lodged by the petitioner. It is not in dispute that pursuant to the complaint lodged by the petitioner, steps have been taken by the police authorities by registering FIR. In view thereof,

this Court is not inclined to grant any further relief in favour of the petitioner.

With the above observations the writ petition stands disposed of leaving the petitioner free to approach the proper forum for appropriate reliefs in accordance with law.

The report submitted by the learned advocate for the State is taken on record.

The Officer-in-Charge of the local police station shall ensure that no breach of peace takes place at the locale.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)