

04.10.2024
Sl. No. 87
g.b.
Court No.07

W.P.A. 21945 of 2024

Arindam Chakraborty
-Vs-
The State of W. B. & Ors.

Mr. Ranjan Kali
Ms. Mutul Chakraborty
Ms. Payel Nath
.....For the Petitioner
Mr. Prasenjit Debnath
Ms. Pritha Biswas
....For the Respondent No. 6
Mrs. Jhuma Chakraborty
Mrs. Kakali Naskar
.....For the State

The petitioner alleges that the police authorities have taken forcibly possession of the property of the petitioner.

The learned advocate appearing for the petitioner submits that a civil suit being Title Suit No. 74 of 2024 is pending before the learned Civil Judge (Jr. Division), Nabadwip, Nadia. Though the application for temporary injunction has been rejected, a miscellaneous appeal therefrom is still pending. He further submits that the police authorities should be directed to take steps on the basis of the complaint lodged by the petitioner on 27th July, 2024.

The learned advocate appearing for the petitioner further submits that an application under SARFAESI Act is pending before the Debts Recovery Tribunal challenging the auction sale.

The learned advocate appearing for the private respondents produces a copy of the order dated 18th July, 2024 passed in Title Suit No. 74 of 2024. It appears from the said order that the learned Civil Judge has specifically recorded that the defendant that is the private respondents herein has been able to show his prima facie title as well as the possession over the suit property by filing relevant

documents. The Civil Judge further recorded that the contention of the plaintiff/petitioner herein that the record of rights in the name of the private respondents has been challenged is also not supported by any document. The Civil Judge further recorded that the petitioner has suppressed the fact of default in repayment of bank loan and, therefore, he is not entitled to get any equitable relief that he has sought for.

Since the civil court is in seisin over the dispute with regard to title and possession in respect of an immovable property, this court is not inclined to grant any relief in favour of the petitioner.

The learned advocate appearing for the State files a report of the Inspector-in-charge, Nabadwip Police Station dated 4th September, 2024 wherefrom it appears that on the basis of the complaint lodged by the petitioner, a prosecution under Section 126 BNS vide NCR No. 454/24 dated 24.07.2024 under Section 126 BNSS has been submitted.

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 expeditiously after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)