

03.10.2024
Sl. No. 115
g.b.
Court No.07

W.P.A. 21912 of 2024

Smt. Sandhya Das
-Vs-
The State of W. B. & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
Mr. Samrat Chakraborty
.....For the Petitioner
Mr. Pratip Mukherjee
Mr. Purusottam Basak
Mr. Sakir Hossain
....For the Respondent No. 4
Mr. Jayanta Samanta
Mr. Sujit Gupta
.....For the State

Affidavit of service filed in court today is taken on record.

The petitioner alleges that the private respondent herein is threatening the petitioner and making illegal construction on the plot of land which the petitioner claims to be the owner thereof.

The petitioner lodged a complaint with the Officer-in-charge, Dumdum Police Station dated 16th September, 2022. The learned advocate for the petitioner submits that no steps have been taken by the police authorities on the basis of the complaint dated 16th September, 2022.

The learned advocate for the private respondent submits that the petitioner filed a suit for partition being Title Suit No. 206 of 2022 before the learned Civil Judge (Sr. Division), 2nd Court at Barasat against the private respondent. He further submits that the said suit was dismissed for non-prosecution and thereafter the petitioner has filed an application under Order 9 Rule 9 of the Code of Civil Procedure for restoration of the said suit. He submits that this miscellaneous case is still pending and there is no order of injunction in the said miscellaneous case.

The learned advocate for the petitioner submits that a direction be passed upon the police authorities to consider the representation of the petitioner dated 16th September, 2022 and to take steps in accordance with law.

Learned advocate for the State files a report, which is taken on record. It appears from the said report that police have taken steps and registered the GDE.

In view thereof, the writ petition is disposed of by directing the Officer-in-charge, Dumdum Police Station being the 3rd respondent to consider the representation of the petitioner dated 16th September, 2022 and to take steps in accordance with law. The said respondent is directed to communicate the fate of such representation of the petitioner and the private respondent within a period of six weeks from the date of receipt of server copy of this order.

Since the civil court is in seisin over the inter se dispute between the parties with regard to an immovable property, the petitioner is left free to approach the civil court for appropriate relief.

Since affidavits have not called for in the writ petition, the allegations contained in this writ petition shall not be deemed to have been admitted by the respondents.

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.)