

Sl.65
27.09.2024
S. Gayen
ct.no.7

W.P.A. 22319 of 2024

**Mahidul Islam Mallick
Versus
State of West Bengal and Ors.**

Mr. Syed Nazmul Hossain
...for the petitioner.

Mr. Wasim Ahmed
Mr. Md. Shebhabuddin
...for the State Respondents.

Mr. Tanusree Das Gupta
Mr. Ira Bhattacharyya
...for the KMC.

The petitioner has prayed for a mandamus to command the respondent authorities to give necessary protection to the petitioner for running the stationary and bakery business. The petitioner claims to be in possession of such property wherefrom the stationary and bakery business is being run.

The learned advocate appearing for the private respondents submits that the private respondents are in possession of the property and is running the bakery business therefrom.

Mr. Ahmed, learned advocate appearing for the State, on instructions, submits that the dispute between the parties is civil in nature.

After hearing the parties and considering materials on record this Court finds that there is a dispute with regard to the possession in respect of an immovable property between the parties. Such a dispute cannot be decided in an application under Article 226 of the Constitution of India. The petitioner is left free to approach the proper forum for appropriate reliefs in accordance with law.

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

With the above observations and directions the writ petition is disposed of.

However, there will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)