

30.09.2024
Sl. No. 69
g.b.
Court No.07

W.P.A. 22641 of 2024

Nazrul Islam Sk.
-Vs-
The State of W. B. & Ors.

Syed Shamsul Arefin
.....For the Petitioner
Mr. Susovan Sengupta
Mr. Tarak Karan
.....For the State
Mr. Sakya Maity
.....For the Respondent Nos. 5 to 8

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

The petitioner claims to be the owner of Dag No. 5614 and 5616 within Mouza Khano under Galsi Police Station in the District of Purba Bardhaman.

The petitioner alleges that the private respondents are creating disturbances in the matter of cultivation and have damaged the crops, which has been cultivated by the petitioner on the aforesaid plot of land.

The learned advocate for the private respondents submits that the petitioner is not the owner of the aforesaid plots of land. He further submits that taking the advantage of erroneous recording in the records of right, the petitioner is claiming to be owner of the land.

The writ court cannot decide the issue with regard to possession and title of an immovable property.

The learned advocate for the private respondents submits that a civil suit is pending between the parties. Such fact is also not disputed by the learned advocate for the petitioner.

Mr. Sengupta, learned Senior Government advocate submits that the police authorities have taken steps on the basis of the complaint lodged by the

petitioner and a prosecution under Section 126/135(3) BNS has been submitted.

Since the civil suit is pending, parties are left free to approach the civil court.

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.)