

D/L.42.
October 7, 2024.
MNS.

WPA No. 22741 of 2024

Smt. Lopamudra Bhowmick and others
Vs.
The State of West Bengal and others

Mr. Piyali Mitra

... for the petitioners.

Ms. Jhuma Chakraborty,
Mr. Suddhadev Adak

...for the State.

Affidavit-of-service filed by the petitioners is taken on record. The learned Advocate appearing for the petitioners submits that the private respondents have been duly served. Despite service, none appears for the private respondents.

The petitioners claim that the petitioners are the co-sharers in respect of an immoveable property and the private respondent no. 7 is a tenant in respect of a room of the said property.

The learned Advocate appearing for the petitioners submits that the private respondents herein are physically abusing the petitioners. In that regard a complaint has been lodged by the petitioners with the Officer-in-Charge of Jorabagan Police Station through a learned Advocate's letter dated August 5, 2024.

The learned Advocate appearing for the State files a report of the Officer-in-Charge of Jorabagan Police Station dated October 1, 2024, which is taken on record, wherefrom it appears that the private respondent no. 7 has filed a suit, being Title Suit No. 858 of 2024, which is at present pending before the learned Judge, VIIIth Bench, City Civil Court at Calcutta in respect of the property and the learned Civil Judge passed an order of ad interim injunction on May 19, 2024.

Since a complaint has been lodged by the petitioners, the Officer-in-Charge of Jorabagan Police Station is directed to consider the said complaint and take steps in accordance with law.

Insofar as the prayer for eviction of the tenant is concerned, the petitioners are left free to approach the learned Civil Court of competent jurisdiction for appropriate reliefs.

Since the learned Civil Court is in *seisin* over the *inter se* disputes between the private parties in respect of an immoveable property, the petitioner will be at liberty to approach the learned civil court for appropriate reliefs.

The Officer-in-Charge of Jorabagan Police Station is directed to ensure that no breach of peace takes place at the locale.

With the above observations and directions, the writ petition stands disposed of.

There will be no order as to costs.

Photostat certified copy, if applied for, be
given to the parties.

(Hiranmay Bhattacharyya, J.)