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01.10.2024
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WPA 22744 of 2024

Shibani Mal
Vs.
The State of West Bengal & Ors.

Mr. Saikat Chatterjee
... for the petitioner.

Ms. Sima Ghosh
Mr. Sanjay Patna
... for the private respondent.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
... for the State.

Affidavit of service filed in Court is taken on
record.

Petitioner claims to have purchased a plot of land
measuring about 2 and half decimals out of 10 decimals in LR
Dag No. 520, LR Khatian No. 470, JL No. 10 within Mouza-
Takipur under Nalhati Police Station in the district of Birbhum
by a registered Deed of Sale executed on February 21, 2001
from one Mir Abdul Khalek. The petitioner alleges that the
private respondents herein are trying to disturb the peaceful
possession as well as occupation of the petitioner over the
residential unit on the aforesaid plot of land. It has been
further stated in the writ petition that the private

respondents are trying to grab the house and property of the petitioner.

Learned advocate for the private respondent submits that the vendor of the petitioner did not have any share in the aforesaid plot of land and, therefore, the petitioners have not acquired any right, title, interest and possession in respect of the said property. She further submits that a suit for partition being T.S. No. 263 of 2022 is pending before the learned Civil Judge (Senior Division), 2nd Court, Rampurhat, District Birbhum.

The learned advocate for the State files a report of the Inspector-in-Charge, Nalhati Police Station dated September 26, 2024, which is taken on record. It appears from the said report that on the basis of the complaint lodged by the petitioner, a prosecution under Section 126/135 BNSS has been submitted vide Nalhati PS NCR No. 1093 of 2024 dated September 14, 2024 and the police authorities are keeping sharp watch at the area in order to avoid any untoward incident. Thus it appears that the police authorities have taken steps on the basis of complaint lodged by the petitioner.

Mr. Chatterjee, learned advocate for the

petitioner vehemently submits that though a civil suit is pending but the prayer for injunction at the instance of the private respondent has been refused. Such submission of Mr. Chatterjee is placed on record.

After going through the averments made in the writ petition, this Court finds that the dispute between the petitioner and the private respondent is with regard to title and possession in respect of an immovable property. It is well settled that such a dispute cannot be decided in a writ petition.

That apart, since the title suit is pending between the parties, the petitioner is left free to approach the Civil Court for appropriate reliefs in accordance with law.

Inspector-in-Charge, Nalhati Police Station, being the 4th respondent is directed to ensure that no breach of peace takes place at the locale.

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

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)

