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01.10.2024
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WPA 22763 of 2024

Smt. Lilabati Ghosh & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Milan Kumar Maity
... for the petitioner.

Mr. Suman Sengupta
Mr. Sambuddha Dutta
Mr. Sanatan Panja
... for the State.

Petitioners claim to be a 'patta holder' in respect of plot no. 152 within Mouza - Bila, under police station Garhbeta in the district of Paschim Medinipur.

The petitioner alleges that the private respondent is creating disturbances in the peaceful possession of the property of the petitioner, which is their dwelling house. The petitioners have prayed for an order directing the police authorities to ensure that the 6th respondent cannot dispossess the petitioner from her property and prevent the private respondent from taking forcible possession of the property of the petitioner.

Learned advocate for the State files a report of the Officer-in-Charge, Garhbeta Police Station dated September 23, 2024. It has been specifically stated in the

said report that the petitioners and the 6th respondent are 'patta holder' in respect of the self-same plot being Dag No. 458. The said report further states that there is no proper demarcation of the property of the petitioner and the private respondent. The dispute between the petitioner and the private respondent is with regard to possession of an immovable property. The said dispute is civil in nature. Petitioner is left free to approach the Civil Court of competent jurisdiction for appropriate reliefs. From the said report dated September 23, 2024, it appears that pursuant to a Court complaint of the petitioner, Garhbeta Police Station Case No. 383 of 2021 dated September 9, 2021 under Sections 448/323/354/34 of the Indian Penal Code has been registered and after completion of investigation, charge-sheet being Garhbeta P.S. Charge-sheet No. 373 of 2021 has been filed before the learned Court below.

This Court is, therefore, of the considered view that the petitioner failed to make out a case of police inaction.

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

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

(Hiranmay Bhattacharyya, J.)

