

D/L.60.
October 1, 2024.
MNS.

WPA No. 22776 of 2024

Smt. Padma Rani Manna
Vs.
The State of West Bengal and others

Mrs. Renesay Dey

... for the petitioner.

Mr. Jayanta Samanata,
Kazi Sajjad Alam

...for the State.

Mr. Anil Kumar Chattopadhyay

...for the respondent nos. 5 to 8.

Affidavit-of-service filed by the petitioner is
taken on record.

The petitioner claims to be the recorded owner in respect of a *bastu* land and is residing therein after constructing a residential house thereupon. The petitioner alleges that the private respondents herein, who are the adjacent owners, are creating disturbances in the peaceful possession of the petitioner in respect of her residential house. The learned Advocate appearing for the petitioner submits that since the private respondents are creating disturbances in the peaceful possession of the petitioner in respect of a dwelling house, this Court should pass an order of injunction restraining the private

respondents from disturbing her possession in respect of her residential house.

The learned Advocate appearing on behalf of the State submits that pursuant to the complaint lodged by the petitioner dated September 20, 2024, an FIR has been registered, being Bhagwanpur Police Station Case No. 283 of 2024 dated September 20, 2024 and the investigation is in progress.

The learned Advocate appearing for the private respondents submits that the private respondents are not creating any disturbances in the possession of the petitioner in respect of her residential house.

Insofar as the dispute with regard to an immovable property between the private parties is concerned, the writ court cannot pass any order of injunction restraining a private party from disturbing the possession of another private party in respect of an immovable property. The petitioner is left free to approach the civil court of competent jurisdiction for appropriate reliefs in that regard.

The Investigating Officer is directed to conclude the investigation expeditiously and to take all consequential steps thereupon.

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

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)