

D/L.65.  
October 1, 2024.  
MNS.

WPA No. 22844 of 2024

Gokul Das  
Vs.  
The State of West Bengal and others

Sk. Md. Wasim Akram

... for the petitioner.

Mr. Ashim Kumar Ganguly,  
Ms. Jayeeta Mitra (Kundu)

...for the State.

Affidavit-of-service filed by the petitioner is taken on record. Despite service, none appears for the private respondent.

The petitioner alleges that the private respondent no. 7 has illegally encroached upon the property of the petitioner and is possessing the same by ousting the petitioner therefrom. The petitioner has prayed for issuance of Mandamus directing the 7<sup>th</sup> respondent to vacate the property of the petitioner and to restore possession in favour of the petitioner so that the petitioner can re-enter to his property.

It is well-settled that a dispute with regard to title and possession cannot be decided by a writ court. The petitioner is left free to approach the civil court for recovery of possession of his immovable property.

The petitioner lodged a complaint with the Inspector-in-Charge, Chanchal Police Station, Malda, alleging that the private respondent is threatening the petitioner of dire consequences and has also assaulted him.

The learned Advocate appearing for the State files a report of the Inspector-in-Charge, Chanchal Police Station, dated September 21, 2024, which is taken on record.

It appears from the said report that upon an enquiry a prosecution under Section 126 of the BNSS, being Non FIR PR No. 1905/24 dated September 10, 2024 has been submitted.

The Inspector-in-Charge, Chanchal Police Station, Malda, is directed to see that no breach of peace takes place at the locale.

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

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

(Hiranmay Bhattacharyya, J.)