

D/L.74.
October 3, 2024.
MNS.

WPA No. 23298 of 2024

Tanjira Khatun
Vs.
State of West Bengal and others

Mr. Somnath Adhikari,
Mr. Biswajit Sarkar

... for the petitioner.

Mr. K. J. Yusuf,
Mr. Balarki Sen

...for the State.

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

The petitioner alleges that the private respondents herein are creating disturbances while the petitioner was trying to raise construction on Dag No. 48, Khatian No. 4531, within Mouza- Amirbad under Nabagram Police Station in the District of Murshidabad.

The learned Advocate appearing for the State files a report of the Officer-in-Charge of Nabagram Police Station, Murshidabad Police District dated September 24, 2024, which is taken on record. The report reveals that a suit for partition, being Partition Suit No. 776 of 2022 has been filed by the 7th respondent against the

husband of the petitioner, namely, Togan Sk., and others. The petitioner alleges that her husband has transferred the property prior to the institution of the said suit in favour of the petitioner herein.

From the report it appears that an order of injunction has been passed by the learned Civil Judge (Senior Division), Lalbag in the aforesaid Partition Suit No. 776 of 2022 and the order of injunction is valid till January 19, 2025.

Since the civil court is in *seisin* over the *inter se* private dispute between the parties in respect of an immoveable property, this court is not inclined to grant any relief to the petitioner in this writ petition. The petitioner is left free to approach the civil court for appropriate reliefs in accordance with law.

With the aforesaid 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.)