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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23359 of 2024

Dulali Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Dhananjoy Banerjee,
Ms. Oindrila Ghosh
...for the petitioner

Mr. K.J. Yusuf,
Mr. Parikshit Goswami
...for the State

Mr. Arunava Ganguly
...for the private respondents

The learned Advocate appearing for the petitioner submits that the private respondents herein are creating disturbances in the running of the business by the petitioner from a shop room, which is situated on Plot No. 425, J.L. No. 120, under Mouza-Rahia, Police Station-Gurap, District-Hooghly.

The learned Advocate appearing for the private respondents submits that the private respondents are in possession of the said shop room.

The learned Advocate appearing for the State files a report of the Officer-in-Charge, Gurap Police Station, dated September 22, 2024 wherefrom it appears that the shop room is presently occupied by the respondent nos. 4 and 5 and they are

running a grocery shop therefrom. The report further states that the private respondents produced the trade licence in respect of the said shop but the petitioner could not produce any trade licence in respect of the said shop room.

After hearing the learned Advocates for the parties, this Court finds that the dispute involved in this writ petition between the private parties is with regard to title and possession of an immovable property. Such a dispute cannot be decided by the writ court.

With the above observations and directions, this writ petition stands disposed of leaving the petitioner free to approach the civil court of competent jurisdiction for appropriate reliefs.

The Officer-in-Charge, Gurap Police Station, is directed to ensure that no breach of peace takes place at the locale.

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

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)