

Court No. 14
Item No.10
13.02.2024
(Suvendu)

WPA 22635 of 2023

Nabiruddin Sarkar
Vs.
State of West Bengal & Ors.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
.....for the petitioner

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
.....for the State

Ms. Shabana Hasin
Mr. Mobaidur Hossain
Ms. Neha Roy
.....for the private respondents

Supplementary affidavit filed on behalf of the petitioner is also taken on record. Copies of the same are served upon the learned counsels appearing for the other sides.

Learned counsel appearing for the petitioner submits as follows The petitioner is a 70-years old man and the lawful owner of the property in question. The gap between him and his wife is a significant one. Be that as it may, the petitioner gifted a portion of the property to the said wife. Taking advantage of such fact, the wife ousted the petitioner himself from his

own property in the year 2021 and thereafter, grabbed the entire property with the help of her relatives. Thereafter she sold away a portion of the said property that was gifted to her. She is residing in the other portion of the property. A complaint was lodged before the learned Magistrate, which was not being proceeded with properly.

Learned counsel appearing for the private respondents submits as follows. The allegations made in the writ petition are false. The private respondent is the subsequent purchaser of a portion of the property. She purchased the same bona fide and without notice of any defect in title.

Learned counsel appearing for the State denies any allegation of police inaction and submits that the dispute between the petitioner and the private respondents is purely civil in nature.

At this stage, learned counsel appearing for the petitioner submits that the petitioner has already filed a Civil Suit in respect of the property, which is pending.

It appears that the petitioner was allegedly driven out by his wife in the year 2021. But, the petitioner did not take any action under Section 145 Cr.P.C. However, the civil suit filed by him is pending.

The dispute between the petitioner and the private respondent is civil in nature. If any of the

private parties wants to establish any further right in respect of the said property, the same has to be done before a Civil Court.

Therefore, no further order need be passed.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)