

S/L 32  
22.3.2024  
Court No.14  
SD

WPA 22967 of 2023

Sundar Gopal Kundu  
Vs.  
The State of West Bengal & Ors.

*Mr. Anirban Ghosh*

*...for the Petitioner.*

*Ms. Sonal Sinha*

*Mr. Avishek Prasad*

*...for the State.*

*Mr. Avirup Mondal*

*Mr. Sukhen Bar*

*...for the Respondent Nos.3-4.*

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had purchased the property in question from one Basudeb Kundu. Subsequently, the said Basudeb Kundu conveyed the property illegally to his son, the respondent no.3. There is a report by the B.L.&L.R.O. supporting the petitioner's contention. In spite of this, the private respondent illegally refuses to give possession of the property to the petitioner.

Learned counsel appearing on behalf of the private respondent denies the allegations and submits that this is purely a civil dispute.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits that there is a civil dispute between the private parties. However, the report of the B.L.&L.R.O. seems to be in favour of the petitioner.

If the petitioner in spite of being the owner of the property by purchase, is not given possession of the same, he has every right to proceed against the person who, according

to him, is illegally possessing the property. He shall be at liberty to file a civil suit to establish his rights.

If the petitioner believes that he has been cheated in the process, he shall also be at liberty to file a criminal case in this regard.

Therefore, no further order need be passed at this stage.

However, the police authority shall keep a sharp vigil at the locale and ensure that no breach of peace takes place and see to it no order of a court is violated.

With these observations, WPA 22967 of 2023 is disposed of.

Since the Court did not invite the parties to file affidavits, the allegations made are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Jay Sengupta, J.)**