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Ct 14

WPA 24103 of 2023

Soujat Ghorui

-vs-

The State of West Bengal & ors.

Mr. Asit Nayek

Ms. Reshmi Khatun

...for the petitioner

Ms. Rama Halder

...for the State

Ms. Juin Dutta Chakraborty

...for the respondent no.5

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

A copy of plaint allegedly filed by the petitioner as handed over by the learned counsel for the private respondent no.5 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had purchased a property from a vendor in the year 2011. He purchased another property from the said vendor in the year 2019. However, the private respondent is now claiming that he had purchased the some property from the father of the vendor in the year 2014 although admittedly, father of the vendor has passed away in the year 1974. The petitioner filed a complaint

before the police, which was not acted upon. He was even dispossessed from the property by the private respondents.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. The petitioner has suppressed the fact that he had already filed a civil suit in this regard in 2021 being T. S. No. 130 of 2021 pending before the Civil Civil Judge, Jr. Division, 1st Court, Uluberia. Besides, the private respondent is in possession of the property in question.

Learned counsel appearing on behalf of the State relies on the report and submits that on the complaint of the petitioner, a specific FIR being Uluberia Police Station Case No. 241 of 2023 dated 28.06.2023 has been registered. The same is being investigated.

It appears that a civil dispute exists between the private parties.

If any of the parties wants to establish any further rights in respect of the same, it has to be done before a Civil Court.

It is needless to mention that the petitioner ought to have disclosed the filing of the civil suit in respect of the said property.

Be that as it may, the police authorities shall investigate into the alleged offences and file an appropriate report expeditiously and in accordance with law.

The police authorities shall also keep a sharp vigil at

the locale and ensure that no breach of peace takes place.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)