

Sl. No.29  
08.01.2024  
Court no.14  
sd

*IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE  
W.P.A. 24209 of 2023*

*Chaitali Debnath  
Vs.  
The State of West Bengal and Ors.*

Mr. Bibek Jyoti Basu  
Mr. Uttam Kumar De  
Ms. Jamuna Saha

.....for the petitioner.

Mr. Tapas Kuamar Ghosh  
Mr. Tanmoy Chowdhury

...for the respondent no. 4.

Mr. Ansar Mondal, ld. AGP  
Mr. Ashish Dutta

....for the State.

Affidavit of service so filed by the petitioner be taken on record.

Report submitted by the learned advocate for the State be taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. Due to inadvertence, it has not been mentioned in the writ petition that earlier a writ petition being WPA 13448 of 2023 was filed on the self-same grounds. The petitioner undertakes not to press such application. The petitioner is the owner of the property in question while the private respondent no.4 is an agent who had at one point of time wanted to deal with the property. Since then he has been disturbing the possession and enjoyment of the

petitioner and has even been blocking the ingress and egress of the property.

Learned counsel for the private respondent denying the allegations and submits that the private respondent and the petitioner both are co-sharers in the same property. There is at best a civil dispute that exists between the private parties.

Learned advocate for the State relies on the report and submits as follows. There exists a civil dispute between the petitioner. On the complaint of the petitioner a proceeding has been initiated under Section 107 of the Code.

It appears that the dispute between the private parties is civil in nature. If any of the parties wants to establish any further right in respect of the property it has to be done before a civil court.

However, on the complaint, the police authorities have already taken steps by initiating a proceeding under Section 107 of the Code.

Therefore, no further order need be passed in this regard. However, the police authorities shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With the aforesaid observations, the writ petition being WPA 24029 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order downloaded from the official website of this court.

***(Jay Sengupta, J.)***