

29.07.2024
Item No. 14
Crt.No.02
b.r.

WPA 26799 of 2022

Gouranga Biswas @ Gour Biswas
-vs-
The State of West Bengal & Ors.

Mr. Sekhar Pal
Mr. Mobakshar Islam
Mr. Krishna Prasad Majumder
..... for the petitioner.

Mr. Chandi Charan De
Mr. Anirban Sarkar
... for the State.

Affidavit of service filed in Court today, is taken on record.

The petitioner states that the petitioner being the owner of an immovable property wanted to execute a gift deed in favour of his wife and for such purpose, the petitioner entrusted his daughter, the private respondent no.10.

Mr. Sekhar Pal, learned counsel appearing for the petitioner submits that misleading the petitioner the daughter of the petitioner executed a Gift Deed dated **March 2, 2022** in her favour and got the same registered by the petitioner-father. The petitioner further contends that subsequently the daughter executed further gift deed in favour of the private respondent nos. 11 and 13 in respect of the self-same immovable property.

In view of the above, the petitioner claims cancellation of the said parent Deed of Gift dated **March 2, 2022** and the subsequent Deed of Gift dated **June 23, 2022** executed in favour of the private respondents. The prayers from the writ petition are quoted below:-

“(b) A writ of and/or in the nature of mandamus be issue directing the respondents No.4 to cancel the Gift deed being No. 02442/2022 dated 02/03/2022 registered at Additional District Sub-Registrar office, Ranaghat-1, and also deed Nos. 05298/2022 and 05299/2022 dated 10/05/2022 registered in the in the office of District Sub-Registrar, Nadia, Krishnanagar.

(c) And/or alternatively a writ in the nature of Mandamus be issued directing the respondents authority to cancel the Deed of gift thereby disposing the pending application.

(d) For cancellation of the Deed of Gift being application Memo No. 1180/2022 dated 23/06/2022 as expeditiously as possible which is pending to the respondent no.4.

(e) A Writ of the nature of Mandamus be issued directing the respondent no.3 and 8 to give Police Protection to your petitioner.”

Learned counsel for the petitioner further informs this Court that the jurisdictional police station has already registered a Criminal Case bearing **Tehatta Police Station Case No. 483 of 2022 dated June 14, 2022,** *inter alia,* under **Sections 465/468/420/379/506 of the Indian Penal Code.**

The First Information Reports are available being **annexure P-6 at pages 96 and 97** to the writ petition.

Mr. Chandi Charan De, learned Additional Government Pleader appearing for respondent nos. 1 to 9 places a police report dated **December 9, 2022** issued under the seal and signature of the Inspector-in-Charge, Tehatta Police Station, the same is taken on record.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record including the reliefs from the writ petition, this Court is of the firm view that, the disputes raised through this writ petition are purely civil in nature. Several fact finding enquiry including the witness action of the relevant parties are required to be gone into, which is not the job of a writ Court.

In view of the foregoing reasons and discussions, this Court finds no reason to entertain and adjudicate upon this writ petition.

Resultantly, this writ petition, **WPA 26799 of 2022** stands **dismissed**, without any order as to costs.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in the writ petition. In the event a properly constituted civil suit is filed before the jurisdictional Civil Court, the jurisdictional Civil Court shall proceed with the same as expeditiously as possible in accordance with law.

The petitioner shall be at liberty to raise all its contentions before the jurisdictional Civil Court and the Civil Court shall decide the same by applying its independent mind and without being influenced by observations, if any, made by this Court herein but strictly in accordance with law.

The respondent nos. 8 and 9 are also directed to proceed with the criminal case already registered by it as expeditiously as possible in accordance with law and without causing any unnecessary delay.

It is further made clear that the jurisdictional Criminal Court while trying the criminal case shall not be influenced by any observation made by this Court and shall proceed with its independent mind in accordance with law.

(Aniruddha Roy, J.)