

Sl.No.
5 06.12.2024
Court
No. 35
G.S.Das

WPA 28534 of 2024

Krishna Samanta & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Sankha Subhra Ray
... for the petitioner(s)

Mr. Wasim Ahmed
Mr. Harun -al- Rashid
... for the State-respondent(s)

Ms. Reshmi Ghosh
... for the respondent nos. 6 and 7

The petitioners complain that the vendor has handed over the property, in spite of that, his son and daughter-in-law are not vacating a portion of the property.

A report has been submitted by the learned advocate for the State, which reflects that the private respondent nos. 6 and 7, who are the son and daughter-in-law, have not handed over the physical possession to the petitioner and, till date,

there is no question of trespass having surfaced in the records of the case, as is alleged by the petitioners.

In view of the contents of the report and the nature of the dispute, this court is of the considered view that the remedy of the petitioners lies before the learned Civil Court.

This court while exercising its power under Article 226 of the Constitution of India is not empowered to ask an occupier to be evicted.

However, the petitioners and the private respondents are at loggerheads. In view of the accusations made, the police authorities would see to that no breach of peace and tranquility takes place because of the issues so involved in respect of purchase and occupation of the property.

With the aforesaid observations,

WPA 28534 of 2024 is disposed of.

Report so submitted be kept with
the record.

Parties to act on a server copy of
this order duly collected from the official
website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)