

19.04.2024.
Court No. 13
Item No. 14
ap

CPAN 1693 of 2023
In
W.P.A. No. 6049 of 2023
With
I.A. No. CAN 1 of 2024

Gopa Rani Pal
Versus
Shri Tuhin Biswas,
Officer-in-charge, Nandigram Police Station

Mr. Rafikul Islam Sardar.

...For the petitioner.

Mr. Dipankar Aditya,
Mr. Rajesh Jana,
Ms. Tina Biswas.

...For the applicant.

Mr. Suman Sengupta,
Mr. Sanatan Panja.

...For the alleged contemnor.

1. It is submitted by the Counsel for the petitioner that pursuant to the order of this Court, Nandigram Police Station has called the Block Land & Land Reforms Officer and demarcated the properties between the petitioner and the private respondents.
2. Counsel for the private respondents submits that he is a lawful shareholder in the property in question and his brother has sold an undemarcated portion of the property to the writ petitioner.
3. This Court notes that the disputes between the petitioner and the private respondents are purely civil in nature. The police have no role to play in demarcating any property between the petitioner and the private respondents.

4. In view of the above, this Court is of the view that the petitioner and the private respondents may take out appropriate civil proceedings to establish their respective rights in the property. Nandigram Police Station shall only ensure that there is no breach of peace in the area.

5. The FIRs already registered by the police at the instance of the writ petitioner against the private respondents shall be kept in abeyance.

6. The alleged demarcation and the possession of the writ petitioner of the portion of the property shall abide by the result of any civil proceedings that may be taken out by the parties.

7. This Court notes with anguish that a purely civil dispute has been converted into a case of police inaction.

8. With the aforesaid directions, the contempt application shall stand disposed of.

9. In view of the disposal of the contempt application, the connected application being CAN 1 of 2024 shall also stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

