

Item No.23
Ct. No.35
dc.

W.P.A. 855 of 2024

**Chitra Joarder & Ors.
versus
The State of West Bengal & Ors.**

Mr. Allen Felix ... For the Petitioners.

Mr. Ashim Kumar Ganguly,
Ms. Sukla Das Chandra ... For the State.

Report submitted by the learned advocate
appearing for the State be kept with the record.

The petitioners prayed that they allowed a relation to occupy and use the premises, but presently they are being not allowed to enter the said premises. To that effect, the petitioners and the private respondents entered into a settlement, but the settlement also not been honoured by the private respondents. The petitioners also approached the learned Executive Magistrate under Section 144(2) of the Code of Criminal Procedure and complained to Parnashree Police Station.

State has submitted a report which reflects that when the proceeding before the learned Executive Magistrate was pending, appropriate report was submitted therein.

So far as right, title, interest, occupation and possession are concerned, civil court has got absolute jurisdiction for deciding the same. This Court will not invoke its powers under Article 226 of the Constitution of India to exhaust the remedies which are available with the said court.

The petitioners are granted liberty to approach the appropriate forum in respect of the reliefs claimed for.

With the aforesaid observations, the writ petition being WPA 855 of 2024 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)