

03.07.2025
SI No.7
Ct. No.14
S.A.

WPA 10251 of 2024

Bablu Das & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Shibaji Kumar Das

Ms. Sharmistha Das

...for the petitioners

Mr. Pantu Deb Roy

Mr. Raja Ram Banerjee

...for the State

Mr. Saptarshi Kumar Kundu

...for respondent no.6

1. Perused the report of the Sub-Divisional Officer (SDO), Kalyani, Nadia dated 30th June, 2025. It appears that the said Officer conducted a hearing on 30th June, 2025. The son of the petitioner and the private respondent appeared in the hearing.
2. It has come to light that a Title Suit being T.S. Case No.178 of 2022 in respect of the ancestral house of the parties is pending consideration before the learned Civil Court.
3. By the impugned order dated 2nd April, 2024 the Sub Divisional Officer directed the petitioner to allow safe stay of the private respondent and her daughter in their ancestral property and provide basic livelihood for them from the income generated from the business.
4. As it appears that the ancestral property of the parties is the subject matter of a civil suit currently

pending adjudication, accordingly, it will be open for the parties to take appropriate steps before the learned Civil Court in respect of their civil right.

5. The SDO ought not to have directed the petitioners to provide basic livelihood to the private respondent from the income generated in the business run by the petitioners.
6. The Sub-Divisional Officer could not and ought not to have entered into or decide any civil disputes in between the parties. The direction of the Sub-Divisional Officer as regards the civil rights of the parties is held to be bad and set aside accordingly.
7. If the private respondent has any claim with regard to the business, the remedy to obtain any share therefrom would lie before the competent civil forum and the Sub-Divisional Officer does not have any jurisdiction to decide the issue.
8. The writ petition stands disposed of.
9. Copy of the report of the Sub-Divisional Officer placed in Court today be handed over to the learned advocates representing the petitioners and the private respondent.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)