

24.03.2025
Item No.5
Ct. No.01
RP/SM

MAT 2328 of 2024
with
CAN/2/2025

Avijit Das @ Gayen
Vs.
The State of West Bengal and Ors.

Mr. Mukteswar Maity, Adv.
Ms. Manika Sarkar, Adv.

....For the Appellant

Mr. Saptarshi Kr. Kundu, Adv.
Mr. Raju Das, Adv.

....For the Private Respondent No.6

Mrs. Jhuma Chakraborty, Senior Govt. Adv.
Mrs. Kakali Naskar, Adv.

...For the State-Respondent

1. This intra-court appeal by the private respondent in WPA No.19609 of 2024 is directed against the order dated 25th September, 2024. We have elaborately heard the learned advocates for the parties including the respondent-state. As noted by the learned Single Bench, the appellant herein is stated to be in possession of a house and having a tea shop since his childhood. The claim of the respondent/writ petitioner is that he was running a dispensary and it is noted lock and key and he is unable to enter into the property. The writ petition was disposed of with certain observations by directing the police to maintain strict vigil in the area and no breach of peace and tranquility should be there. The order has

also imposed a condition on the respondent/writ petitioner that it is subject to the writ petitioner being able to show documents that the property or the dispensary from which he was operating belongs to his demised mother-in-law.

2. In our considered view, the dispute is purely civil in nature and cannot be resolved by the police nor by the Writ Court. Therefore, the directions issued in the writ petition call for interference.
3. Hence, the appeal is allowed and the impugned order is set aside.
4. Leave is open to the appellant or the respondent/writ petitioner to approach the civil court for appropriate relief. If any of the parties approaches the civil court their case shall be decided based on the oral and documentary evidence placed before it being uninfluenced by any observation made in this order.
5. With the aforesaid observations, the appeal along with the application is disposed of.

[T.S. SIVAGNANAM]
CHIEF JUSTICE

[CHAITALI CHATTERJEE (DAS), J.]