

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE**

**30.01.2025
Sl. No.14
Crt.02
b.r.**

W.P.A. 274 of 2025

**Subodh Chandra Sarkar
Vs.
The State of West Bengal & Ors.**

**Mr. Joydeep Kanta Bhoumik
Mr. Subham Kumar
Ms. Sayantani Das
Ms. Priti Das
.... for the petitioner.**

**Mr. Bedashruti Bose
Mr. Sumit Kumar
.... for the State.**

**Mr. Dilip Chakraborty
.... for the Resp. Nos. 5 and 6.**

Mr. Joydeep Kanta Bhoumik, learned advocate,
appears for the petitioner.

Ms. Bedashruti Bose, learned State Advocate
with Mr. Sumit Kumar, learned Stateadvocate appear
for State-respondents.

Mr. Dilip Chakraborty, learned advocate
appears for the respondent nos. 5 and 6.

The petitioner is the father.

The private respondent nos. 5 and 6 are the son
and daughter-in-law. The petitioner has several

properties including agricultural land. Petitioner submits that a civil suit has been filed by the petitioner against the private respondents contending trespassing in respect of **L.R. Plot No. 388 and L.R. Plot No. 369** as mentioned in the schedule to the plaint, **annexure p-1 at page-11** to the writ petition.

The petitioner now claims that the son and daughter-in-law are trying to grab the dwelling house which according to the petitioner is not the suit land covered under the said civil suit pending before the learned Civil Judge, Junior Division, 2nd Court, Jalpaiguri. The petitioner seeks police protection as despite complaint, police had not taken step.

Learned State counsel submits this is purely a civil dispute between the father, son and the daughter in law.

After considering the submissions of the parties, it appears to this Court that the plaint is annexed to the writ petition but what is contended by the petitioner that this writ petition relates to his dwelling house, which is not within the scope of the said pending civil suit, is not available from the writ petition as there is no description of dwelling property mentioned anywhere in the writ petition. So the Court can not identify that such property is not covered in the said pending civil suit.

The petitioner is **73 years** old, as submitted by learned advocate for the petitioner.

In view of the above, this Court refuses to interfere with the alleged cause shown in the writ petition.

The allegations made in the writ petition are denied by the private respondents.

However, this Court has not gone into the merits of the rival claims of the petitioner and the private respondents pending in the said civil suit and the learned jurisdictional Civil Court shall proceed on the said civil suit independently in accordance with law, without being influenced by observations made by this Court, if any.

Accordingly, this writ petition, **WPA 274 of 2025** stands **dismissed**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisites formalities.

(Aniruddha Roy, J.)