

06
29.06.2026
Ct. No. 01
KCP

FMA 285 of 2026
with
IA No. CAN 1 of 2026
(Biman Ghosh Vs. The State of West
Bengal & Ors.)

Mr. Animesh Mukherjee
Mr. Milan Maity
Mr. Kazi Asif Iqbal
Mr. Shahjamal Hazra
.... For the appellant

Mr. Madhu Jana, Jr. Govt. Adv.
Mr. Gopal Krishna Sarkar
.... For the State

Mr. Tirtha Pati Acharyya
..... For the respondent no.7

Affidavit-of-service, as filed, be kept on record.

The present intra-court appeal has been preferred challenging the order dated 22nd January, 2026, passed in the writ petition being WPA 26390 of 2025.

The facts giving rise to the present appeal are that the writ petitioner/appellant (hereinafter referred to as the appellant) preferred a writ petition claiming that he had purchased a share in a joint property from a co-owner and was put in possession thereof by his vendor. However, the other co-owner created disturbance in his peaceful possession and/or enjoyment of the property. He approached the jurisdictional police station; however, despite such approach, the police authorities did not take appropriate steps. Such circumstances prompted the petitioner to file the writ petition.

Initially, a report was called for by the learned Single Judge and, upon perusal thereof, as noted hereinabove, the learned

Court below arrived at the conclusion that the dispute between the parties was civil in nature and that their remedy lay before the appropriate civil forum. With these observations, the writ petition was disposed of by the order dated 22nd January, 2026. Aggrieved thereby, the present appeal has been preferred.

Mr. Mukherjee, learned Advocate representing the writ petitioner/appellant, submits that he seeks a modification of the order under challenge in the writ petition to the effect that the police be directed to ensure that the private respondent cannot create any disturbance to the petitioner in his peaceful possession of the portion of the land purchased by him from his co-sharer.

Mr. Jana, learned Junior Government Advocate appearing for the State, submits that the learned Single Judge has correctly observed that the dispute is civil in nature and that the only remedy available to the writ petitioner/appellant is to approach the appropriate civil forum.

Mr. Acharyya, learned Advocate appearing for the private respondent adopted the submission advanced by Mr. Jana.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

In the writ petition, the petitioner himself submitted that the property initially belonged to one Jyotirmoyee Dutta and, upon her demise, the property devolved upon her legal heirs. The petitioner further stated that he had purchased a portion of the property from one of the co-sharers and that another co-sharer was creating disturbance in his peaceful possession.

Therefore, we are of the view that the learned Single Judge has correctly observed that the dispute between the parties is

purely civil in nature and that the remedy available to the petitioner is to approach the appropriate civil forum. The learned Court below has also directed the police authorities to continue surveillance in the locality to avoid any untoward incident, in view of the strained relationship between the parties, and to ensure the maintenance of peace and tranquillity.

Therefore, we are of the view that there is no infirmity or perversity in the impugned order and, hence, no interference is warranted in the present appeal.

Accordingly, the appeal and the connected application stand dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)