

24.04.2023.  
Court No.13  
Item No. 30  
ap

**W.P.A. No. 26418 of 2022**  
**Allauddin Mahalder**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Shahan Shah,  
Mr. Soumen Barman.

...For the petitioner.

Mr. Santanu Kumar Mitra.

...For the State.

Mr. Mohan Kumar Sanyal,  
Mr. Dwaipayan Sanyal,  
Mr. Arunesh Pathak.

..For the respondent nos.7 & 8.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved that the private respondents are illegally excavating soil from his land.
3. Admittedly, a Title Suit No. 338 of 2010 was pending before the learned 2<sup>nd</sup> Civil Judge (Junior Division) Berehampore, Murshidabad filed by the petitioner against the private respondents. The suit was dismissed for default and an application under Order IX, Rule 13 of the Code of Civil Procedure is pending before the Court below.
4. The private respondent denies the title of the petitioner.
5. This Court is of the view that the disputes between the petitioner and the private respondents are purely civil in nature and the remedy may be sought in the

pending civil suit or in any other proceedings in accordance with law.

6. Nowda Police Station shall ensure that there is no breach of peace in the area and shall strictly comply with any order that may be passed by the Civil Court specifically on them.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

***(Rajasekhar Mantha, J.)***