

Court No. 5
09.11.2023
(Item No. 25)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25876 of 2023

Panchanan Das
VS
The State of West Bengal & Ors.

Mr. Subhas Chandra Saha
..... for the petitioner
Mr. Shamim-ul-Bari
Ms. Tanuja Basak
..... for the State

Affidavit of service filed in Court today is taken on record.

The petitioner submits that the private respondents have blocked the only passage meant for egress and ingress of the petitioner by raising unauthorized construction.

It appears from the averments made in the writ petition that a civil suit between the parties being Title Suit No. 257 of 2007 is pending consideration before the learned Civil Judge, Junior Division, Kakdwip, South 24 Parganas.

The petitioner submits that complaint was lodged before the Police Station. The police enquired the matter but immediately after the police left the place the private respondents again blocked the passage.

A report has been filed by the Inspector-in-Charge, Kakdwip Police Station, Sundarban Police District signed on 8th November, 2023 wherefrom it

appears that there is dispute with regard to the ownership on the land in question. A General Diary being Kakdwip Police Station G.D.E. No. 1422 dated 27.10.2023 was lodged and enquiry has been made. Prosecution under Section 107 Cr.P.C. has also been submitted being Kakdwip Police Station P.R. No. 138/23 dated 13.10.2023.

The police is maintaining the close vigil to prevent any breach of peace.

As it appears that a civil suit is pending consideration in between the parties, accordingly, it will be open for the petitioner to raise this issue in the pending suit and seek necessary relief. In the meantime the police is directed to continue vigil and maintain peace in the locality.

This writ petition being **WPA 25876 of 2023** stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)