

25.11.2024
Item No.27
Ct. No.35
dc.

W.P.A. 518 of 2024

**Najabul Mondal
versus
State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Sampriiti Saha,
Ms. Swati Dey ... For the Petitioner.

Mr. Amitesh Banerjee, Sr. Standing Counsel,
Ms. Ipsita Banerjee ... For the State.

Petitioner is aggrieved by the fact that the complaint which has been forwarded on his behalf has not been acted upon by the State-respondents particularly the Officer-in-Charge, Matia Police Station. Learned advocate for the petitioner submits that the petitioner was enjoying the property for a considerable period of time. Thereafter the private respondents are trying to encroach and with that end in view are harassing and obstructing the petitioner in enjoying the property both in respect of cultivation as well as using the same as his residence.

Mr. Banerjee, learned senior standing counsel appearing for the State submits that a Title Suit is pending between the petitioner and the private respondents being Title Suit No. 111/2021 before the learned Civil Judge (Senior Division), Basirhat. It is contended that there has been a status quo order passed by the jurisdictional civil court.

Accordingly, the petitioner is directed to take out an appropriate application for police assistance or police protection in case there has been violation of the order of the jurisdictional civil court. In case, the learned Civil Judge (Senior Division), Basirhat directs for implementing its order for rendering police assistance or police protection, the police authorities would respect and obey the order by adhering to the provisions of law.

In the meantime, the police authorities would keep a strict vigil and also ensure that no breach of peace takes place and/or any untoward incident stems out because of the existing relationship between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 518 of 2024 is disposed of.

There shall be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)