

D/L48
04.10.2024
Bpg.
ct.no.35

W.P.A.19493 of 2024

**Samir Mondal
Versus
The State of West Bengal & others**

Mr. Lakshminath Bhattacharya.
...for the petitioner.

Mr. Amal Kr. Sen
Ms. Ashima Das.
...for the State-respondents.

Mr. Shahan Shah
Mr. Sk. Abumush
Mr. S. Barman.
...for the respondent nos.7 to 9.

Affidavit-of-service filed by the petitioner be
kept with the record.

A report has been submitted on behalf of the
State. Let the same be kept with the record.

The grievance of the petitioner is that in spite
of the decree passed in his favour in respect of a
particular plot of land in T.S. No.92 of 2021 by the
learned Civil Judge (Junior Division), 3rd Court,
Diamond Harbour, he cannot enter his property and
is being threatened at the behest of private
respondent nos.7 to 9.

Learned advocate for the private respondents
submits that the property is undivided.

However, I find that the order of the learned Civil Judge (Junior Division), 3rd Court, Diamond Harbour gives a right, title and interest also to the present petitioner. The jurisdiction of this Court obviously is not to decide the right, title and interest but to ensure that both the parties can enjoy the property.

The petitioner apprehends although he has a court order in his favour and is also a co-sharer to the property, yet he is not allowed to enter the property.

Police report also reflects that there were proceedings under Section 144(2) of Cr.P.C. and subsequently under Section 126 of BNSS at different dates.

Be that as it may, the petitioner would be at liberty to enter the property. If there is any dispute which arises as a consequence of the petitioner entering the property as a co-sharer, in that event, the police authorities would take steps by invoking the appropriate provisions of law. The aggrieved person would definitely report to the police authorities, consequent to which the police authorities would take action.

Police would also keep strict vigil and ensure that there is no breach of peace and tranquility takes place at the behest of either of parties.

With the aforesaid observations, WPA 19493 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)