

19.12.2024
Sl. No.39(DL)
srm

W.P.A. No. 19624 of 2024
Timir Kanti Mondal & Ors.
Versus
State of West Bengal & Ors.

Mr. Dipta Dipak Banerjee
...for the Petitioners.

Mr. Suman Ghosh,
Mr. Sankha Prasad Roy
...for the State-respondents.

Mr. Jayanta Narayan Chatterjee, Sr. Advocate
Mr. Bhaskar Mondal,
Mr. Soubhik Ghosh
...for the Respondent Nos.5-8.

Affidavit-of-service so filed be kept with the record.

Petitioners are at loggerheads with the respondents.

According to the petitioners, the common use of passage is being blocked by the private respondents to that effect they informed the local police station, but the Officer-in-Charge of the said police station did not take any steps. Petitioners also approached before the learned Executive Magistrate under the relevant provisions of Section 163 of the BNSS. However, the same also did not yield any result.

Report submitted by the State be kept with record.

So far as the jurisdiction of the police authorities are concerned, police authorities have drawn up proceedings under the relevant provisions of the BNS. The nature of the dispute is for usage of common passage. So far as the right of the passage is concerned, the same should be addressed by a civil court, until and unless same is declared by an appropriate forum or court concerned, it would not be possible for the police authorities to decide on the issues.

Mr. Jayanta Narayan Chatterjee, learned Senior Advocate appearing for the private respondents submits that they are residing within the same dag number. However, the same also is a mere submission and not an assertion of facts.

Petitioners would be at liberty to approach the jurisdictional civil court. If the jurisdictional civil court passes any order along with police assistance, then only the police authorities would be bound by the provisions of law.

In the meantime, police authorities would ensure that there should be a strict vigil and there should not be any breach of peace or tranquillity or any untoward incident which may result because of the inimical relationship existing between the petitioners and the private respondents.

With the aforesaid observations, writ petition being WPA 19624 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.)