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30.09.2024
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WPA 22485 of 2024

Riyajul Sk & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Habibur Rahaman
Md. Ali Ahasan
... for the petitioner.

Mr. Ashim Kumar Ganguly
Mr. Tarak Karan
... for the State.

The petitioners allege that the private respondent herein is creating disturbance in the peaceful possession of the petitioner in respect of the plots in question. Record reveals that a partition suit and a title suit are pending between the parties.

Since the civil Court is in seisin over the matter and the learned Civil Judge, Junior Division, Lalbagh, Murshidabad passed an order in T.S. No. 376 of 2023 on September 18, 2023 directing the parties to maintain status quo in respect of the present physical possession over the suit property as well as the nature and character till the disposal of the suit, the petitioner ought to have approached the Civil Court in case there is any allegation that the private respondent are violating the order of injunction.

Learned advocate for the State files a report of the Officer-in-Charge, Nabagram Police Station, Murshidabad Police District dated September 29, 2024, which is taken on record. From the said report, it appears that on the basis of the complaint, the police authorities have submitted prosecution under Section 107 of the Code of Criminal Procedure being Nabagram Police Station NCR No. 220 of 2024 dated February 13, 2024.

With the above observations, the writ petition stands disposed of.

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

(Hiranmay Bhattacharyya, J.)