

D/L.45.
September 27, 2024.
MNS.

WPA No. 22126 of 2024

Pulin Jana and others
Vs.
The State of West Bengal and others

Mr. Balaram Pandit,
Mr. Krishna Deo Das

... for the petitioners.

Mr. Amitesh Banerjee,
Mr. Akash Dutta

...for the State.

Mr. Masud Mallick

...for the respondent nos. 6 to 15.

The petitioner approached this court praying for a direction upon the Inspector-in-Charge, Egra Police Station, to initiate lawful measures against the private respondents for violating the order dated August 13, 2024 passed by the learned Sub-Divisional Executive Magistrate at Egra, Purba Medinipur in a proceeding under Section 163 of the BNSS, being Misc. Case No. 389 of 2024.

It is not in dispute that in a suit for partition, being Title Suit No. 166 of 2019, the learned Civil Judge (Senior Division), 2nd Court at Contai passed a preliminary decree by a judgment and decree dated June 8, 2024.

It has been submitted by the learned Advocates for the parties that the final decree proceeding in connection with the said partition suit is pending.

Learned counsel for the petitioner vehemently submits that the private respondents are disturbing the peaceful possession of the petitioner and the learned Executive Magistrate by an order dated August 13, 2024 directed the private respondents herein not to disturb the peaceful possession of the petitioner and also not to change the nature and character of the property and also not to make any job of construction over the disputed land till the next date.

The learned Advocate appearing for the private respondents submits that a Misc. Case under Order IX Rule 13 of the CPC has been filed by the private respondents praying for setting aside the *ex parte* decree, which is also pending.

The learned Advocate appearing for the State submits that the police authorities have taken steps to maintain the peace and tranquility at the locale.

Since the suit for partition and the Misc Case case are pending, this court is of the considered view that in case the petitioner is aggrieved by any of the action of the private

respondents, they have to approach the competent civil court for appropriate reliefs.

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

Needless to mention that it is the duty of the police authorities to maintain peace and tranquility at the locale.

There will be no order as to costs.

Photostat certified copy of this order, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)