

12.11.2024
Item No.78
Ct. No.35
dc.

W.P.A. 23080 of 2024

**Baij Nath Shah
versus
The State of West Bengal & Ors.**

Mr. Gazi Faruque Hossain,
Ms. Varsha Roy ... For the Petitioner.

Mr. Suman Ghosh,
Mr. Siddhartha Ghosh ... For the State.

Mr. Manas Kumar Das
... For the Respondent Nos. 6, 7 & 8.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner and the private respondents are related to each other. Learned advocate appearing for the petitioner submits that the petitioner has a sanctioned plan, yet he is unable to construct because of the resistance offered by the private respondents.

Learned advocate appearing for the private respondent nos. 6, 7 and 8 submits that the property was obtained by way of a gift deed and the said gift deed has been challenged by way of a title suit being T.S. No. 1294/2024 pending before the learned Civil Judge (Sr. Division), Alipore.

Learned advocate for the State has submitted a report which reflects that the petitioner on

number of occasions has approached the learned Executive Magistrate and the police authorities have complied with the directions passed therein.

So far as the issue relating to property is concerned, the petitioner would be at liberty to approach the jurisdictional civil court for appropriate relief.

So far as the apprehension of the petitioner in respect of harassment is concerned, the police authorities would see that there is no breach of peace takes place and/or ensure that no untoward incident crops up at the behest of either of the parties.

With the aforesaid observations, the writ petition being WPA 23080 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.)