

03.10.2024
Sl. No. 65
g.b.
Court No.07

W.P.A. 23180 of 2024

Nazrul Haque & Ors.
-Vs-
The State of W. B. & Ors.

Mr. Subhasish Bhattacharya
.....For the Petitioners
Mr. Sibasis Chatterjee
....For the Respondent Nos. 7, 8, 10, 11 & 12
Mr. Pantu Deb Roy
Mr. Panna Lal Bandopadhyay
.....For the State

Affidavit of service filed in court today is taken on record.

The petitioners claim to be the recorded owners of L. R. Dag Nos. 3674 and 3807 within Mouza Belun under Police Station Murshidabad in the district of Murshidabad measuring about 74 decimals.

The petitioners allege that the private respondents are disturbing the peaceful possession of the petitioners in respect of the aforesaid property and are also threatening to dispossess the petitioners from their property without due process of law. The petitioners approached the Executive Magistrate by filing an application under Section 164 of the BNSS, 2023 being M. P. Case No. 581 of 2024 and the learned Executive Magistrate, Lalbag, Murshidabad passed an order on 12th August, 2024 directing the Inspector-in-charge, Murshidabad Police Station to maintain peace in respect of the disputed land and to see that no untoward incident occurs there.

The learned advocate for the private respondents submits that the allegation made by the petitioners is a frivolous one and the dispute between the petitioners and the private respondents is civil in nature.

Mr. Deb Roy, learned advocate appearing for the State files the report of the Inspector-in-charge of

Murshidabad Police Station dated 17th September, 2024 which is taken on record.

It has been specifically submitted by the learned advocate for the State that the petitioners herein filed a suit being Title Suit no. 459 of 2024 before the learned Civil Judge (Jr. Division), Lal Bag, Murshidabad.

The inter se dispute between the petitioners and the private respondents herein is in respect of an immovable property. Such a dispute is civil in nature. The petitioners have already approached the civil court. Since the civil court is in seisin over the aforesaid dispute between the private parties, this court is not inclined to grant any relief in favour of the petitioners.

The petitioners are left free to approach the civil court for appropriate reliefs in accordance with law.

The Inspector-in-charge, Murshidabad Police Station is directed to ensure that no breach of peace takes place at the locale.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)