

**04.11.2024**  
Item No.29  
Ct. No.35  
dc.

**W.P.A. 23200 of 2024**

**Chandan Paul  
versus  
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri ... For the Petitioner.

Mr. K. J. Yusuf,  
Ms. Munmun Ganguly ... For the State.

Mr. Debasis Sur,  
Mr. Hare Krishna Halder  
... For the Respondent Nos. 8 & 9.

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.

Learned advocates for the State and the private respondent nos. 8 and 9 are present.

Attention of the Court has been drawn to the earlier orders passed by a co-ordinate Bench of this Court as also the appeal wherein directions were passed by a Division Bench of this Court presided over by the Hon'ble Chief Justice.

Learned advocate appearing for the petitioner submits that the petitioner has made specific accusations that in respect of the property/premises in dispute, the private respondents in collusion with and/or in presence of the police authorities broke open the padlock of the petitioner and installed/put the padlock of the private respondents.

So far as the issue relating to possession is concerned, the appropriate forum would be the jurisdictional civil court to decide the right, title and interest of the property.

So far as the accusations are concerned, I find that earlier a criminal case was instituted in respect of which the investigation is proceeding against the present petitioner and his wife as is reflected from the police report. Since the petitioner has submitted a representation and the police authorities are not acting upon the same, the petitioner would be at liberty to invoke the jurisdiction under Section 175(3)/175(4) of the BNSS, 2023 before the jurisdictional court. If such an application is preferred, the jurisdictional court will strictly adhere to the letter of law before proceeding or taking any step.

With the aforesaid observations, the writ petition being WPA 23200 of 2024 is disposed of.

Pending connected application, if any, is consequently 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.)**