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18.11.2024
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ct.no.35

W.P.A.23987 of 2024

**Krishna Pada Roy
Versus
The State of West Bengal & Ors.**

Mr. Subhas Ch. Saha.
...for the petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi.
...for the State-respondents.

Affidavit of service filed by the petitioner be
kept with the record.

Petitioner claims that his right as a bargadar
by inheritance is being affected by the private
respondents and to that effect he has lodged
complaint with the police authorities. The dispute
referred to is purely civil in nature. The competent
civil court would adjudicate the same.

I have considered the report submitted by
the Inspector-in-Charge, Patharpratima Police Station
which reflects that they have already drawn up
proceedings under Section 126 of the BNSS.

Having considered that the right of the
petitioner is to be established through a civil court, I
am of the view that the power of this Court under
Article 226 of the Constitution of India is not be
invoked.

Petitioner is granted liberty to approach the appropriate civil court for establishing his right. In the meantime, the police authorities would keep a strict vigil and ensure that no breach of peace takes place.

With the aforesaid observations, WPA 23987 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the learned advocate for the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)