

05.11.2024
Item No.103
Ct. No.35
dc.

W.P.A. 24348 of 2024

**Md. Mohidul Islam
versus
The State of West Bengal & Ors.**

Mr. Chittapriya Ghosh,
Mr. Somesh Kumar Ghosh ... For the Petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar ... For the State.

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 advocate appearing for the petitioner submits that in his own property, the petitioner is unable to enter because of the act and activities of the private respondents.

The State has submitted a report which reflects that on number of general diary entries an application under Sections 107/144 of the Code of Criminal Procedure has been instituted at the behest of the parties. Be that as it may, so far as the right, title and interest of a property is concerned, the civil court is the authority for exercising absolute jurisdiction over the same. The petitioner would be at liberty to approach the appropriate civil court in respect of the remedies sought for particularly restraining the respondents from disturbing their possession. This Court under Article 226 of the Constitution of India is not

empowered to pass such directions keeping in mind the facts which have been narrated in the present case. However, the police authorities will keep a strict vigil at the locale and will ensure that there is no violation/breach of any peace or tranquillity at the locale.

With the aforesaid observations, the writ petition being WPA 24348 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.)