

11.11.2024
Item No.11
Ct. No.35
dc.

W.P.A. 25035 of 2024

Masud Sk.
versus
The State of West Bengal & Ors.

Mr. Gourav Das,
Md. Ashraful Huq ... For the Petitioner.

Mr. K. J. Yusuf,
Ms. Rupsha Chakraborty ... 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. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that his construction work is being hindered by the private respondent nos. 9 and 10. To that effect, learned advocate for the petitioner submits that earlier the petitioner approached this Court when a co-ordinate Bench was pleased to observe that since a partition suit being case No. 31/2021 was pending, the petitioner would be at liberty to approach the said court for appropriate relief. According to the petitioner, the said case No. 31/2021 has been dismissed.

Learned advocate for the State has submitted a report which reflects that the dispute is absolutely civil in nature and as such, the police authorities have no power to interfere with the

same. It is further submitted on behalf of the State that in an un-partition property, the petitioner is trying to construct a dwelling house and for the said purpose, there has been a dispute and difference with the private respondents.

Be that as it may, the petitioner would be at liberty to approach the jurisdictional court with a prayer for appropriate relief. In case the jurisdictional court passes any order, the police authorities would respect and obey the same.

With the aforesaid observations, the writ petition being WPA 25035 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.)