

M/L246
05.12.2024
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ct.no.35

W.P.A.26703 of 2024

**Shri Goutam Dhara & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Golam Mustafa
Mr. Akanuzzaman.
...for the petitioners.

Mr. Amitesh Banerjee
Ms. Sabnam De Bardhan
Ms. Rupsha Chakraborty.
...for the State-respondents.

Mr. Subir Banerjee
Mr. Sandip Bandyopadhyay
Mrs. Rukmini Basu Roy.
...for the respondent nos.5 to 9.

Affidavit-of-service so filed by the petitioners
be kept with the record.

Petitioners are aggrieved by the fact that
their complaint addressed to Bagnan Police Station is
not being dealt with in its proper perspective and the
privates respondents are disturbing the possession of
the petitioners and also creating unlawful obstruction
particularly with regard to their egress and ingress.

Mr. Banerjee, learned Senior Standing
Counsel appearing on behalf of the State has
submitted a report. Report reflects that both civil and
criminal cases are inter se pending between the
parties. The civil court is in seisin of Title Suit no.604

of 2022 wherein the learned Civil Judge (Junior Division), 2nd Court, Uluberia, Howrah was pleased by an order dated 31.08.2024 to direct status quo with respect to the nature, character and possession of the suit property till the disposal of the suit.

Report also reflects that earlier Bagnan Police Station Case No.533 of 2024 was registered by the police authorities and in respect of the subsequent complaint on 10.11.20924 which was sent by the petitioners, Bagnan Police Station Case No.623 of 2024 dated 10.11.2024 has been registered and the investigation of the case is under process.

Mr. Subir Banerjee, learned advocate appearing for the private respondent nos.5 to 9 denies and disputes the accusations made by the petitioners and submits that they have purchased the property and they are enjoying their own property, petitioners are unnecessarily using force for the purpose of obstructing the private respondent nos.5 to 9 from enjoying their property.

Having considered the submissions advanced by the learned advocate appearing for the petitioners, learned advocate for the private respondent nos.5 to 9 as well as the report submitted on behalf of the State, I am of the view that as number of cases are pending inter se between the parties and the main grievance of

the petitioners as well as the private respondent nos.5 to 9 relate to disturbance and enjoyment of peaceful possession, police authorities would keep a strict vigil and ensure that no breach of the peace and/or tranquility takes place and/or any untoward incidents result as the relationship between the petitioners and the private respondent nos.5 to 9 are inimical.

So far as the prayer relating to removal of illegal unauthorized construction is concerned, petitioners would address such grievance before the jurisdictional civil court which is in session of the matter. However, police authorities as directed above will take the pending investigation to its logical conclusion and ensure regarding the peace and tranquility, as directed above.

With the aforesaid observations, WPA 26703 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)