

D/L 9
26.11.2024
Kausik
ct.no.35

W.P.A. 26763 of 2024

**Basari Daloi
Versus
The State of West Bengal & Ors.**

Ms. Swapna Roy

...for the petitioner.

Mr. Sandip Das

...for the private respondent no. 5.

Ms. Sonal Sinha, AGP
Ms. Ashmita Chakraborty

...for the state.

Petitioner alleges that on the basis of a forged gift deed, private respondents are in possession and petitioner, being a farmer is being harassed at the time of his cultivation.

Affidavit of service so filed be kept with the record.

State has submitted a report which reflects that the title suit being TS 188/20 is pending and proceedings have been drawn under section 163(2) of the B.N.S.S. and under section 126 of the B.N.S.S.

So far as the approach of the police authorities are concerned, I am of the prima facie opinion that as the police authorities have drawn a proceeding under section 126 of B.N.S.S. against the

present petitioner, there are dispute and differences which may result in obstruction or harassment to the petitioner.

As the civil court is in seisin of the matter, the right, title and interest of an individual cannot be assessed by this court.

However, the police authorities would ensure that none is dispossessed from the property without a specific direction from the civil court. In the meantime, as there is a dispute and difference between the petitioner and the private respondents, police authorities would keep a strict vigil and ensure that no breach of peace takes place or any untoward incident stems out because of the dispute and difference existing between the petitioner and the private respondents.

With the aforesaid observations WPA 26763 of 2024 is disposed of.

Report so submitted be kept with the record.

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

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

(Tirthankar Ghosh, J.)