

19.11.2024
Item No.25
Ct. No.35
dc.

W.P.A. 27226 of 2024

**Mohammed Sadique & Ors.
versus
The State of West Bengal & Ors.**

Mr. Arif Ali,
Mr. Hebzur Rahman ... For the Petitioners.

Ms. Jhuma Chakraborty,
Ms. Arpita Mondal ... For the State.

Mr. Arup Krishna Das,
Mr. Abdus Salam,
Mr. Indrajit Chatterjee ... For the Respondent No. 7.

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 petitioners.

The petitioners are aggrieved by the fact that their property is encroached by the private respondent no.7 and thus, in spite of having all permissions, they are unable to develop their property.

Learned advocate appearing for the respondent no.7 submits that the respondent no.7 is in possession of the property.

State has submitted a report which reflects that the police authorities have drawn up proceedings under the relevant provisions of Sections 107/116 of the Code of Criminal Procedure.

I have considered the dispute which is absolutely civil in nature. The petitioners would be at liberty to approach the appropriate jurisdictional civil court. If the civil court passes an order with direction for police assistance, in that case the jurisdictional police station will respect and obey the order of the civil court. In the meantime, the police authorities would keep a strict vigil and ensure that no breach of peace takes place in respect of the subject property referred to in the writ petition.

With the aforesaid observations, the writ petition being WPA 27226 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.)