

D/L12  
10.12.2024  
Bpg.  
ct.no.35

**W.P.A.28652 of 2024**

**Ambika Munian & Ors.  
Versus  
The State of West Bengal & Ors.**

Mr. Shahan Sha  
Mr. Soumen Barman.  
...for the petitioners.

Mr. Suman Sengupta  
Ms. Amrita Panja Moulick.  
...for the State-respondents.

Mr. Sabyasachi Chatterjee  
Mr. Bodrul Karim  
Mr. Dipankar Das.  
...for the private respondents.

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

Petitioners complain that their egress and  
ingress in the common passage is being blocked by  
construction of shop room and bath room. It has been  
alleged that in spite of informing the police station, no  
steps have been taken by the police authorities.

Mr. Chatterjee, learned advocate appearing  
for the private respondents submits that there has  
been complete suppression of material facts and a  
civil suit being T.S. No.276 of 2024 is pending  
between the parties wherein the defendants have  
been restrained from disturbing the plaintiffs peaceful

possession over the schedule property. Such order was passed by the learned Civil Judge (Junior Division), Kakdwip.

State has submitted a report. Report clearly reflects as follows:

“During enquiry the petition, myself personally talked with the petitioner Ambika Munian and as well as visited the place. The petitioner alleged that the private respondents are trying to block the common passage using by the petitioner by constructing toilet and shop room, but during enquiry I could not find anything in respect of her allegation.”

In view of the State specifically contending that they could not find that the private respondents were trying to block the common passage by constructing toilet and shop room, I am of the view that the factual foundation on which the present writ petition has been preferred lacks credibility. However, the police report additionally reflects that there is a long standing land dispute between the petitioners and the private respondents. Accordingly, police would keep a strict vigil and ensure that no breach of peace takes place at the locale.

With the aforesaid observations, WPA 28652 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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.)***