

20.01.2025
Item No.29
Ct. No.35
dc.

W.P.A. 610 of 2025

**Susama Mondal
versus
The State of West Bengal & Ors.**

Mr. Tapash K. Bhattacharya,
Mr. Aviroop Bhattacharya,
Ms. Sahina Mollah ... For the Petitioner.

Mr. Amal Kumar Sen, AGP,
Mr. Lal Mohan Basu ... For the State.

Mr. Saibal Mondal,
Ms. Sonali Ghosh ... For the Respondent Nos.5, 6 & 7.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the private respondents.

The petitioner complains that she being the owner is unable to enter her property as, according to the petitioner, the same is occupied by the private respondents illegally. To that effect, the petitioner approached the learned Executive Magistrate and pursuant to the police report received, it would be clear from there that the police authorities have held that there has been an encroachment in the land of the petitioner.

State has submitted a report which reflects that the land which is the subject-matter, there is a dispute in respect of the same and which relates to a dispute from inherited property of the ancestors concerned.

Learned advocate appearing for the private respondent nos. 5, 6 and 7 opposes the contentions advanced on behalf of the petitioner and also submits that the private respondents are being deprived by the petitioner.

I have considered the submissions advanced on behalf of the respective parties and I am of the view that right, title, interest and possession are to be decided by the civil court; neither the police authorities nor the Executive Magistrate is vested with powers to decide the same. If there is any dispute relating to right, title, interest and possession, the parties would be at liberty to approach the jurisdictional civil court for appropriate reliefs.

In the meantime, the police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the petitioners and the private respondents.

With the aforesaid observations, the writ petition being WPA 610 of 2025 is disposed of.

There will 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.)