

20.01.2025
Item No.25
Ct. No.35
dc.

W.P.A. 574 of 2025

**Kiranmoy Purkayastha
versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury,
Mr. Rajib Ghosh,
Mr. Babhru Bahan Bera ... For the Petitioner.

Mr. Ansar Mandal,
Mr. Tanweer J. Mandal ... For the State.

Mr. Sounak Bhattacharya,
Ms. Sahina Sumi ... For the Respondent No.4.

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 advocates appearing for the petitioner and the private respondent no.4.

The petitioner submits that he is a co-sharer who is being restrained from entering the temple for performing worship. According to the petitioner, such worship is being carried on for a considerable period of time.

State has submitted a report which reflects that the petitioner and the private respondent no.4 are at loggerheads so far as the partition of the property is concerned and to that effect, already a partition suit is pending before the learned Civil Judge (Senior Division) 2nd Court, Barasat being

Title Suit No. 287/2024. The report also reflects that next date has been fixed on 18.02.2025.

Learned advocate appearing for the private respondent no.4 submits that the petitioner having failed to obtain any order from the civil court has approached this Court.

Be that as it may, the petitioner submits that he has not advanced any prayer to this effect before the learned civil court. Considering the nature of the disputes and differences existing between the parties, the petitioner would approach before the jurisdictional civil court for appropriate remedies as sought for in this writ petition. In case the civil court is of the opinion that the reliefs sought for by the petitioner are within the scope and parameters of the suit and necessary directions are passed upon the police authorities, the police authorities only then would respect and obey and implement the order passed by the civil court. At this stage, no scope for interference so far as the writ petition is concerned.

With the aforesaid observations, the writ petition being WPA 574 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.)