

20.01.2025
Item No.19
Ct. No.35
dc.

W.P.A. 553 of 2025

Ismile Khan
versus
The State of West Bengal & Ors.

Ms. Irina Mullick ... For the Petitioner.

Mr. Ashim Kumar Ganguly, AGP,
Mr. Bellal Shaikh ... For the State.

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 petitioner.

The petitioner is aggrieved by the fact that the petitioner is unable to enjoy his property because of the obstruction created by the private respondents.

I have considered the representation as well as the report submitted on behalf of the State. Learned advocate for the State submits that in course of enquiry, it has been learnt that the private respondents are residing over the plot in question by making 'pucca' construction since 1950. Having considered the nature of the disputes and differences between the petitioner and the private respondents, I direct that the petitioner should approach the jurisdictional civil court for appropriate remedies. The police authorities have drawn up proceedings under Sections 126/135(3)

of BNSS. However, the same is in relation to upkeep of law and order.

In view of the observations made, further pendency of the writ petition is unwarranted.

Accordingly, the writ petition being WPA 553 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.)