

14.08.2025
Item No.78
Ct. No.35
dc.

W.P.A. 1587 of 2025

**Sri Priyalal Dutta
versus
The State of West Bengal & Ors.**

Mr. Romit Dutta,
Ms. Sanjukta Samanta ... For the Petitioner.

Mr. Suman Sengupta,
Mr. Sanatan Panja ... For the State.

Mr. Souma Subhra Ray,
Ms. Neelam Kumari ... For the Respondent Nos.7 to 12.

Report submitted by the learned advocate
appearing for the State be kept with the record.

Petitioner is aggrieved by the fact that his
property has wrongfully been acquired by the
private respondents. As respondent no.7 and
respondent no.11 are civic volunteers, they have
exercised their powers and as such, petitioner is
unable to enter his residence and he is presently
staying at the residence of his married daughter.

On the other hand, learned advocate
appearing for the private respondent nos. 7 to 12
submits that petitioner and respondent no.9 are
brothers. Father of the petitioner had two premises.
One premises was allotted to the petitioner and
other premises to the respondent no.9 herein.
According to the learned advocate for the private
respondents, petitioner is enjoying one of the
premises and intends to encroach upon the other
property.

Learned advocate appearing for the State submits that since the dispute is between the petitioner and the private respondent no.9, there is hardly any scope for the police authorities to exercise their powers. Report submitted by the State reflects that number of cases under Sections 144(2) of Cr.P.C. and Sections 107/116(3) Cr.P.C. are pending. Rjarhat P.S. Case No. 22 Of 2017, Rjarhat P.S. Case No. 32 Of 2019 and Complaint Case No. 66 of 2017 are also, *inter se*, pending between the parties. There is a reference of T.S. No.721 of 2021 which is *sub judice* before the learned Civil Judge (Senior Division), Barasat filed by the petitioner.

Having considered that the petitioner has already approached the civil court, it would be for the petitioner to ventilate his grievance in respect of the dispute with the respondent no.9 or any of the private respondents before the civil court. If there is breach of the order of the civil court, it would be for the civil court to pass necessary directions.

Police authorities would only ensure that there should not be any violation of law and order.

With the aforesaid observations, the writ petition being WPA 1587 of 2025 is disposed of.

Pending connected application, if any, is consequently 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.)