

D/L 42
06.02.2025
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ct.no.35

W.P.A.1765 of 2025

**Munjur Ali Sk @ Munjur Sk & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Sk. Abdus Salam
Mr. Minhaz Serweny Islam
Ms. Reshmi Khatun.
...for the petitioners.

Mr. Jayanta Samanta
Mr. Saurav Chaudhuri.
...for the State-respondents.

Mr. Pratip Kumar Chatterjee
Mr. Mihir Kundu
Mr. Asish Deb.
...for the respondent no.5.

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

Petitioners claim that they are the owners of
the land and their property is attempted to be
encroached by the respondent no.5. To that effect,
information has been furnished to the police
authorities and the police authorities in spite of
receiving such information did not take any steps for
restraining the private respondent no.5.

Learned advocate for the State has submitted
a report prepared by the Inspector-in-Charge, Kandi
Police Station. The report reflects that a proceeding
under Section 126 of the BNSS has been drawn up

against the respondent no.5. Further, it has been detailed in the report that Title Suit Case No.441 of 2024 is pending wherein the learned Civil Judge (Junior Division), 2nd Court, Kandi has been pleased to direct that the nature and character of the suit property be not altered and also restrained from making any construction upon the said property.

Learned advocate for the respondent no.5 submits that there is a dispute regarding the ownership of the land as relevant documents are also in possession of the private respondent no.5 to prove his own right over the property. According to the private respondent no.5, the dispute is completely civil dispute and the petitioners are trying to involve the police authorities for creating a dominant situation over the said property.

In view of the civil court in seision of the issues, the right, title and interest in respect of the property would be decided by the civil court which is already in seisin of the matter. The police authorities, however, would continue to keep a strict vigil and surveillance and there shall be no breach of the peace or tranquility and/or any untoward incident at the behest of either of the parties in view of the strained relationship existing.

With the aforesaid observations, WPA 1765 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

Copy of the report excluding the annexure be handed over to both the parties.

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.)