

D/L 48
06.02.2025
Bpg.
ct.no.35

W.P.A.1886 of 2025

**Sk. Sabuddin
Versus
The State of West Bengal & Ors.**

Mr. Manoranjan Jana
Ms. Mitali Jana.
...for the petitioner.

Mr. Swapan Banerjee
Mr. Soumen Chatterjee.
...for the State-respondents.

Petitioner has drawn the attention of the Court to the earlier order passed by a co-ordinate Bench in WPA 5820 of 2021 wherein the co-ordinate Bench was pleased to observe as follows:

“It is further submitted that there is a partition suit pending between the petitioner and the private respondents being T.S. No.171 of 2016 before the Learned Sessions Judge, 2nd Court, Contai. There is an order of status quo passed by the said Civil Court.

The writ petitioners remedy is, therefore, to seek execution and enforcement of the order of the Civil Court.

Officer-in-Charge, Mandermoni Coastal Police Station shall ensure that there is no breach of peace in the area.”

Petitioner now claims that his free egress and ingress is being obstructed by a brick built structure at the behest of the private respondents.

Mr. Banerjee, learned advocate appearing for the State on instructions submits that so far as earlier directions are concerned, the police authorities have already complied with the same.

In view of the remedy which has been spelt out by the co-ordinate Bench, I do not find any scope to interfere any further as the petitioner's liberty would be to approach the civil court for execution and enforcement of order of the civil court in pending suit. In the meantime, police authorities would 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 parties.

With the aforesaid observations, WPA 1886 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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.)