

D/L 84
11.02.2025
Kausik
ct.no.35

W.P.A. 2087 of 2025

**Ambika Munian & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Saibal Acharya
Mr. Shahan Shah
Mr. Sk. Abumusa

...for the petitioners.

Mr. Sabyasachi Chatterjee
Mr. Dipankar Das

...for the respondents.

Mr. Ashim Kr. Ganguly, AGP
Mr. Bellal Sekh

...for the state.

Petitioners are aggrieved by the fact that the private respondents are obstructing his free egress and ingress by construction of shop room and toilet at the common passage. To that effect, in spite of informing the police station, no steps have been taken.

Learned advocate for the private respondents submit that Title Suit No. 276 of 2024 has been preferred at the behest of the private respondents and there has been a restrained order from disturbing the plaintiff's peaceful possession over the scheduled suit property and a further restrain order directing for not

changing the nature and character of the scheduled property.

The said order was passed by the learned Civil Judge, Junior Division, Kakdwip, 24 Parganas, South.

Mr. Chatterjee, learned advocate appearing for the respondents submits that the issue relating to construction of any toilet or shop room has never taken place since the civil court is already in seisin of the matter. A report has been submitted by the State. Report reflects that both the parties are quarrelsome and as such proceedings under section 126 of BNSS has been drawn by the authorities and is before the learned Executive Magistrate. An enquiry is in process. Police authorities are complying the order of the Executive Magistrate so far as the issue relating to egress and ingress of the petitioner is concerned.

Learned advocate for the State submits that on instructions of the Officer-in-Charge, Frezarganj Coastal Police Station he has been informed that no construction is taking place at the site which has been described in the writ petition.

In view of the aforesaid, so far as the issues relating to right, title, interest, occupation and possession is concerned in respect of the property, since the civil court is already in seisin of the matter,

the same would be the exclusive domain of the civil court to decide the issue.

This court directs that the police authorities would oversee that no breach of the peace and/or tranquility results or any untoward incident crops up because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 2087 of 2025 is disposed of.

Report so submitted 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.

(Tirthankar Ghosh, J.)