

Sl.No. 07.02.2025
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Court
No. 35
G.S.Das

WPA 2231 of 2025

Chhepatullah Molla
-Vs-
The State of West Bengal & Ors.

Mr. Ibrahim Shaikh
Mr. Benazir Shaikh
... for the petitioner(s)

Mr. K. J. Yusuf, AGP
Mr. Parikshit Goswami
... for the State-respondent(s)
Mr. Jahangir Hossain
... for the respondent nos. 7 to 14

The petitioner complains that the private respondents are disturbing the petitioner both in respect of cultivation of the land and also for carrying out the pisciculture in the water-body.

A title suit has been preferred, wherein, specific directions have been passed by the learned Civil Court. It is reflected that the civil court has also issued a notice to the Officer-in-charge of Sandeshkhali Police Station to ascertain whether the order of the Court is being violated or not.

Mr. Yusuf, learned Additional Government Pleader, appears for the State and submits a report prepared by the Officer-in-charge of Sandeshkahli P.S. which reflects that the police authorities have already drawn up a proceeding under Section 126 of the BNSS and are keeping strict vigil over the dispute and differences.

Learned advocate for the respondents submits that the petitioner himself is trying to encroach upon their property and they have documents in their possession in support of the same.

Be that as it may, the right, title and interest of any property is not to be decided by this Court while exercising its jurisdiction under Article 226 of the Constitution of India and, when the learned Civil Court is already *in seisin* of the matter, it would be the exclusive domain of the learned Civil Court.

As the learned Civil Court has already interfered in respect of the prayers made by the petitioner, if there is any violation, the learned Civil Court would be at liberty to pass appropriate direction upon the police authorities on an application being preferred by the petitioner. If any order and/or direction is passed, the officer-in-charge of Sandeshkahli police station would respect, obey and implement such order.

In the meantime, the police authorities would ensure that no breach of peace and tranquility takes place as also no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 2231 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with

the record. Let a copy of the report be handed over to the learned advocate for the petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)