

11.02.2025
Court No. 35

Item No.92
Rakib

W.P.A. 2421 of 2025

Uttam Kumar Khatua.

VS

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Mr. Biswarup Chatterjee.
... for the Petitioner.

Mr. S. Pal Choudhari,
Mr. Sounak Bhattacharya,
Ms. Sanchita Pal Choudhari,
Ms. Tithi Paul,
Ms. Shilpi Paul.

... for respondent nos. 2 &3

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed.
... for the State.

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

Petitioner filed his representation with the
Inspector-in-charge, Mohanpur Police Station, West
Medinipur, thereby praying for breaking open the
padlock and allowing him to use the property which
he claims to be his own.

Learned advocate for the private respondents
submit that a probate proceeding being OS 08/2019
is pending, wherein the present petitioner happens to
be a party. Further a Civil Suit being TS 81/2019 has
been preferred at the behest of the private
respondents.

Learned advocate for the State has submitted a
report in respect of the information received and to

that effect a General Diary Entry no. 956 of 2025 dated 23.1.2025 has been recorded with the police station.

I have considered the contents of the representation which relate to entering the property by way of breaking open the padlock. The same is not the domain of the police authorities. The Civil Court is already in seisin of the issues relating to dispute over the title of the property. Police authorities will only act provided an appropriate Court of law or any authority directs them to act in a particular way and manner.

With the aforesaid observations WPA 2421 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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.)