

17.02.2025
Court No. 35
Item No.46
Rakib

W.P.A. 2826 of 2025
Esrafil Hoque Sha.
VS
The State of West Bengal & Ors.

Mr. Partha Pratim Roy,
Mr. Anirban Das,
Mr. Samrat Chakraborty.
... for the Petitioner.
Mr. Shataroop Purkeyastha,
Mr. Hamidur Rahaman.
... for Respondent no.4

Mr. Vimal Kr. Shahi,
Ms. Rupsha Chakraborty.
... for the State.

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

Petitioner is aggrieved by the interference at the
behest of the private respondent no.4.

Learned advocate for the petitioner submits that
taking advantage of the order passed in WPA 29366/2024
police authorities have taken a partitioned attitude.

Learned advocate appearing for the respondent
no.4 disputes the contentions and submits that the
subject matter relating to the genesis of the dispute is of
right, title and interest of the property.

So far as the right, title, interest, occupation
and/or possession in respect of a property is concerned,
it would be absolute domain of the Civil Court to deal
with the same.

State has submitted a report. Report reflects that police authorities have already drawn up proceedings under Sections 126/135 of BNSS.

Having considered that the respondent no.4 and the petitioner are at loggerhead, police authorities would continue implementing the directions as passed in WPA 29366/2024.

With the aforesaid observations WPA 2826 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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

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.)