

D/L 6  
07.03.2025  
Bpg.  
ct.no.35

**W.P.A.3774 of 2025**

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

Mr. Sarbananda Sanyal  
Ms. Poulami Chakraborty.  
...for the petitioner.

Mr. Dipanjan Datta  
Ms. Sukanya Datta.  
...for the State-respondents.

Mr. B.N. Ray  
Ms. S. Ray.  
...for the respondent no.6.

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

Petitioner is aggrieved by the fact that he is  
being attempted to be dispossessed at the behest of  
the private respondent no.6 with the aid of the police  
authorities. Additionally, it has been submitted that a  
partition suit was filed by the respondent no.6  
wherein a decree was passed. It has also been  
submitted that no execution case has been filed by  
the respondent no.6. However, the Respondent No.6  
filed an application under Article 226 of the  
Constitution of India wherein W.P. 1547(W) of 2003 a  
direction was passed by an Hon'ble Single Bench on  
or about 01.04.2003 and subsequently also another  
writ petition was filed being W.P.6296(W) of 2004.

Learned advocate appearing for the private respondent no.6 submitted a photostat copy of MAT 3583 of 2003 wherein the order dated 1<sup>st</sup> April, 2003 passed in W.P.1547(W) of 2003 was challenged and the Hon'ble Division Bench was pleased to hold as follows:

“The learned single Judge issued a direction upon the District Magistrate and also the Superintendent of Police, Murshidabad to take immediate appropriate steps for putting the petitioner in actual physical possession of his property in question at an early date. The direction passed by the learned single Judge appears to be just and proper. Therefore, there is no ground to interfere with this order.”

State has submitted a report. Report reflects that there is apprehension of law and order problem which may arise at the locality as per source information as at present there are many constructions where the people were residing with their family members. A narration of previous facts and court cases have also been referred to in the report.

Having considered the fact that the Hon'ble Division Bench has already passed an order and

affirmed the earlier order passed by an Hon'ble single Bench, I am of the view that at this stage if any remedy is to be made available to the petitioner, the same would be before the civil court. Police authorities are not empowered to defy any order earlier passed by the Hon'ble Division Bench of this Court. Accordingly, no interference is made in the writ petition.

Thus, WPA 3774 of 2025 is dismissed.

There will be no order as to costs.

Report so submitted by the State be kept with the record.

A photostat copy of the order of the Hon'ble Division Bench filed by the respondent no.6 be also 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.)***