

D/L 9
11.02.2025
Kausik
ct.no.35

W.P.A. 6397 of 2023

**Khayrul Alam Khan
Versus
State of West Bengal & Ors.**

Mr. Tapan Dutta Gupta
Mr. Parvej Anam
Ms. Puspa Rani Jaiswar

...for the petitioner.

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh

...for the state.

Petitioner is aggrieved by the fact that he is being disturbed from carrying on his business and/or peaceful enjoyment of the property as the private respondents are continuously interfering with the same.

There has been criminal cases, one being Usthi PS Case No. 327/2020 and another being Usthi PS Case No. 323 dated 03.10.2020.

A title suit being TS No. 355/2019 was filed by the respondent against the petitioner and others. The Police report which has been submitted on behalf of the State reflects that at the relevant point of time on or about 05.10.2020 respondent no. 7 by force occupied "Halder Diagnostic Centre" and the same is the subject matter of Usthi PS Case No. 327/2020.

So far as the present state of affair is concerned, the subject relating to right, title, interest or possession cannot be gone into by this court. It would be for the Civil Court to pass appropriate orders in respect of possession. Report also reflects that the subsequent case being Usthi PS Case No. 323 dated 03.10.2020 ended in a final report as civil in nature on or about 31.01.2023.

So far as Usthi PS Case No. 327/2020 is concerned, charge sheet has been submitted before the jurisdictional court on or about 22.06.2021.

Petitioner if he is aggrieved in respect of the subject relating to possession would approach the appropriate civil court as observed above.

It has been informed that the title suit has been filed at the instance of the respondent no. 7, which has been dismissed.

So far as the petitioner is concerned, petitioner will approach the jurisdictional civil court for necessary orders relating to possession.

With the aforesaid observations WPA 6397 of 2023 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to Mr. Dutta Gupta, learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)