

07.04.2025
Item No.112
Ct. No.35
dc.

W.P.A. 6565 of 2025

Anadi Ghosh
versus
The State of West Bengal & Ors.

Mr. Ratul Biswas,
Ms. Abhipiya Sarkar,
Mr. Durlav De ... For the Petitioner.

Mr. Amal Kumar Sen, AGP,
Mr. Lal Mohan Basu ... For the State.

Mr. Arjun Samanta ... For the Respondent No.4.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the respondent no.4.

The petitioner has approached this Court as he claims that he is unable to enter his property and even construct the boundary wall. Petitioner to that extent submits that the private respondent no.4 has been creating disturbance in the peaceful enjoyment of his property and is harassing him.

Learned advocate appearing for the respondent no.4 submits that Title Suit No. 200 of 2016 is pending wherein the vendor of the present petitioner is a party and contesting the suit.

State has submitted a report which reflects that no cognizable offence is made out; only a general diary entry has been recorded by Kaliganj Police Station, Nadia. Report also reflects that an

injunction order has been passed by learned Civil Judge (Junior Division), 1st Court, Krishnagar vide order dated 23.02.2021 and the said civil suit is still pending for disposal.

Having considered the contentions of the petitioner as well as the private respondent no.4, I am of the view that the nature of the dispute is such that in respect of raising construction, at least the civil court must be made aware of the same and necessary permission should be obtained from the civil court. However, if the petitioner is owner in respect of a part of the undivided property and he is being restrained from entering his property, police authorities would see to that there is no breach of the peace or tranquility and/or any untoward incident in respect of egress and ingress of the property.

With the aforesaid observations, the writ petition being WPA 6565 of 2025 is disposed of.

There will be no order as to costs.

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.)