

Item No.14
Ct. No.35
dc.

W.P.A. 6650 of 2025

**Md. Majibul Islam & Ors.
versus
The State of West Bengal & Ors.**

Mr. Sanjib Kumar Mukhopadhyay,
Mr. Syed Shafi Ahmed,
Mr. Syed Neaz Ahmed,
Ms. Nargish Parveen ... For the Petitioners.

Mr. Vimal Kumar Shahi, AGP,
Mr. SM Samim Ullah ... For the State.

Mr. Kalyan Kumar Panda,
Mr. Partha Kumar Mishra
... For the Respondent Nos. 6 to 11.

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.

The petitioners allege that the private respondents are trying to grab the property of the petitioners after 26 years of selling the same. To that extent, learned advocate for the petitioners submits that in spite of being in possession of proper documents, the access of the petitioners is being deterred by the private respondents.

State has submitted a report which reflects that respondent no.6 who is the daughter of late Khurshed Sekh filed a suit along with the other respondents for not disturbing their peaceful possession for which Title Suit No. 76/2007 is pending before the learned Civil Judge (Senior

Division), Malda. It is reflected in the report that subsequently the suit was dismissed.

Learned advocate appearing for the respondent nos. 6 to 11 submits that a restoration application has been preferred before the jurisdictional civil court.

Having considered that the nature of the dispute is completely the domain of the civil court, police authorities are reluctant to act on the information furnished with them. Having regard to the same, I direct that in case the petitioners approach the civil court and the civil court passes any direction upon the police authorities then only the police authorities would respect, obey and implement the order of the civil court.

In the meantime, the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the inimical relationship existing between the petitioners and the private respondents.

With the aforesaid observations, the writ petition being WPA 6650 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.)