

16.04.2025
Item No.29
Ct. No.35
dc.

W.P.A. 6865 of 2025

**Bhabatosh Mallick
versus
The State of West Bengal & Ors.**

Mr. Saikat Debnath ... For the Petitioner.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal ... For the State.

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 advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that his possession is being interfered with by the private respondents. To that effect, petitioner approached the learned Executive Magistrate and informed the police authorities, but the private respondents have been continuously creating obstruction and interfering with the peaceful enjoyment of such property.

State has submitted a report which reflects an enquiry being conducted and that a long standing dispute is existing between the petitioner and the private respondents. To that effect, Swarupnagar P.S. Case No. 116 of 2025 dated 01.03.2025 was initiated on the basis of complaint made by the daughter of the petitioner against the private respondents; again Swarupnagar P.S. Case

No. 16 of 2025 dated 07.01.2025 has been registered pursuant to the complaint made by the wife of the of the respondent no.6.

Having considered that already two criminal cases have been registered and a civil suit being T.S. No. 177/2025 is pending before the learned Civil Judge (Senior Division), Basirhat, I am of the view that so far as the right, title, interest, possession and usage of the property are concerned, the same is to be decided by the civil court. However, 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 strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 6865 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.)