

Sl.No. 21.04.2025
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Court
No. 35
G.S.Das

WPA 6897 of 2025

Tukun Mandal
-Vs-
The State of West Bengal & Ors.

Mr. Mohan Kumar Sanyal
Mr. Dwaipan Sanyal
Mr. Arunesh Pathak
... for the Petitioner(s)
Mr. Rajarshi Basu
Mr. Biswajit Das
... for the State-respondent(s)
Mr. Shibasis Chatterjee
... for the respondent nos. 4&5

The petitioner and the private respondent(s) are at loggerhead as, it is revealed that, P.S. 391 of 2024 is pending.

There is an interim order of *status quo* for not changing the nature, character and possession of the property. However, the petitioner is being restrained from cultivating his own land.

Mr. Basu, learned advocate, appears on behalf of the State and submits a report prepared by the Inspector-in-charge of Domkal PS. The

report reflects that on receipt of the information from the petitioner, a proceeding under Section 126 of the BNSS has been drawn up for maintaining peace and tranquility in the area.

Learned advocate for the private respondents submits that a partition suit is pending and the present writ petition is a ploy of the petitioner to grab whole of the property.

Be that as it may, since the civil court is already *in seisin* of the issues, the rights of the said property would be decided by the Civil Court. This Court will not enter into the domain of right, title, interest, usages, possession and occupation of the property which is absolutely the domain of the learned civil court.

However, if any inconveniences are faced, the petitioner will take out an appropriate application before the learned Civil Court which is already *in seisin* of

the issues. The learned Civil Court, if it thinks fit and proper, will direct the police authorities to implement its order.

The police authorities have already drawn up a proceeding under Section 126 of the BNSS. They would continue their surveillance and ensure that no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 6897 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. Copies of the report be handed over to learned advocates for both the parties.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

