

27.03.2025
Item No.25
Ct. No.35
dc.

W.P.A. 7617 of 2024

**Dolan Halder @ Dolan Kanji Halder
versus
The State of West Bengal & Ors.**

Mr. Tanmoy Basu,
Ms. M. Adak,
Mr. Debadip Mondal,
Mr. Asif Iqbal ... For the Petitioner.

Mr. Amar Mondal,
Mr. Asish Dutta ... 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.

The petitioner is aggrieved by the fact that a representation was furnished on 03.03.2023 wherein the petitioner alleged that she has been resisted by one Matiur Rahaman Molla from entering the brick-field situated at Trilokchandrapur, Kakdwip under the jurisdiction of Harwood Point Coastal Police Station, Sundarban Police District.

At the relevant point of time, there was dispute and difference as is reflected from the police report submitted by the learned advocate appearing for the State. The accusation is against the respondent no.5 viz. Matiur Rahaman Molla who has 30% share which was entered into on 01.01.2023 as per the police report.

In view of the contents of the police report that there is a sharing in the brick-field business of Bapan Brick Field in the ratio of 70:30, I am of the view that the nature of offence complained of should be heard by a civil court. The petitioner would in the circumstances approach the civil court for appropriate remedies so far as the share of the business is concerned. However, it appears from the report that admittedly there is 70% share of the petitioner. As such, if the petitioner intends to enter and there is resistance, police authorities would ensure that there is no breach of the peace or tranquility and/or any untoward incident resulting arising from the strained relationship of the parties.

With the aforesaid observations, the writ petition being WPA 7617 of 2024 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.)