

D/L 20
28.04.2025
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ct.no.35

W.P.A.7765 of 2025

**Subhash Ghosh & Anr.
Versus
The State of West Bengal & Ors.**

Ms. Puja Goswami
Mr. Soham Banerjee.
...for the petitioners.

Mr. Somnath Ganguli
Ms. Sangeeta Roy.
...for the State-respondents.

Mr. Biswarup Biswas
Mr. Pradip Kumar Ghosh
Ms. Nupur Chaudhuri.
...for the private respondent nos.4 to 8.

Affidavit-of-service filed by the petitioners be
kept with the record.

Petitioners have approached this Court being
aggrieved by the inaction of the police authorities
particularly with regard to the information furnished
to the Inspector-in-Charge, Nakashipara Police
Station on 10th March, 2025. According to the
petitioners, T.S.298 of 2024 is pending before the
learned Civil Judge (Senior Division), 2nd Court,
Krishnanagar, Nadia wherein a status quo order has
been passed. The grievance of the petitioners is that
in spite of such order having been passed by the
learned civil court, the private respondent nos.4 to 8
have been throwing garbage for the purpose of filling

up the land-in-dispute. Petitioners informed the administration on several occasions but till date no action has been taken. Petitioners also complain of being assaulted at the time of resisting such illegal acts of the respondents.

State has submitted a report. Report reflects that the police authorities on receipt of such information has drawn up proceedings under Section 126 of the BNSS.

Learned advocate for the private respondent nos.4 to 8 is present and submits that the property referred to in the writ petition is an undemarcated property. So far as the issue relating to filling up of the garbage is concerned, the same is a wild allegation as in spite of the civil court being seisin of the dispute since the year 2024 till date no application has been taken out before the civil court in respect of the selfsame set of allegations.

I have considered the submissions of the petitioners, state and the private respondent nos.4 to 8 and I am of the view that since the civil court is already in seisin of the dispute, the nature of the dispute complained of, if the said is creating any public nuisances, the petitioners would bring the same to the notice of the learned Civil Judge by taking out an appropriate application. If specific

orders are passed upon the police authorities for rendering assistance, police authorities would respect, obey and implement such order. In the meantime, the police authorities would ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the inimical relationship existing between the parties.

With the aforesaid observations, WPA 7765 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing on behalf of the petitioners.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)