

23.04.2025
Court No. 35
Item No.105
Rakib

W.P.A. 7743 of 2025

**Samad Mondal @ Chammad
Mondal & Ors.
VS
The State of West Bengal & Ors.**

Mr. Pronojit Roy.

... for the Petitioners.

Mr. Kallol Kumar Basu,

Ms. Md. Jannat Ul Firdous.

...for respondent nos.7 to 19.

Mr. Vimal Kumar Shahi, Ld. AGP,

Ms. Pratiti Das.

...for State.

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

Petitioners are aggrieved by the fact that inspite of
decree passed in his favour in Title Suit No. 10/17 there
has been continuous interference at the behest of the
private respondents. It has been further alleged that
inspite of such disturbance/obstruction created by the
private respondents, informed to the concerned police
station, no steps have been taken by the Officer-in-
Charge of Baduria Police Station for usage of the common
passage.

State has submitted a report. Report reflects that
the nature of the dispute complained of is absolutely a
civil dispute. Police authorities have drawn up
proceedings under Section 126 of the BNSS against the
private respondents.

Learned advocate for the private respondent nos. 7 to 19 submits that the passage which is claimed by the petitioners belong to them and as such the petitioners have no right of usage.

Having considered that the nature of the dispute complained of to the Officer-in-Charge, Baduria Police Station is restricted to certain issues relating to property, I am of the view that petitioner would approach the Civil Court for execution of its decree, if any direction is passed upon the Officer-in-Charge, Baduria Police Station he would respect, obey and implement such order.

In the meantime the police authorities would continue their surveillance and ensure that no breach of the peace and/or tranquility takes place and/or any untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 7743 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)