

D/L 30
28.04.2025
Kausik
ct.no.35

W.P.A. 7863 of 2025

**Sk. Golam Rahaman & Anr.
Versus
State of West Bengal & Ors.**

Ms. Ipsita Ghosh

...for the petitioner.

Mr. Aniket Mitra
Mr. Musharaf Alam Sk.

...for the respondent nos. 5 to 7.

Mr. Somnath Ganguly, AGP
Ms. Sangeeta Roy

...for the state.

Petitioner contends that in spite of a direction passed by the learned Civil Judge (Senior Division), 1st Court, Uluberia for restraining the defendants from alienating the suit property to any third party, the accusations against the private respondents are that they have been demolishing the pillars, destroying the crops and also resisted the petitioner in cultivation.

Learned advocate appearing for the private respondent nos. 5, 6 & 7 disputes and denies the same and additionally submits that a suit for partition is pending and the petitioners and the private respondents are full-blooded brothers. In

view of the nature of the accusations, learned advocate for the respondents submits that the same are wild allegations and the nature of work carried out particularly cultivation had been continuing for time immemorial.

State has submitted a report. Report reflects that there is a dispute between the petitioners and the private respondents over a land. Consequently, police authorities have only restricted themselves by drawing up proceedings under section 126 of the BNSS. Last of such proceedings were drawn up on or about 28.03.2025.

Having considered that the civil court being in seisin of the issue, in case the petitioner faces any inconvenience petitioner would be at liberty to approach the civil court in respect of the land in issue. So far as the police authorities are concerned, they would ensure that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the strained relationship existing between the parties.

With the aforesaid observations WPA 7863 of 2025 is disposed of.

Report so submitted be kept with the record.

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

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

(Tirthankar Ghosh, J.)