

29.04.2025
Court No. 35
Item No.13
Rakib

W.P.A. 7942 of 2025

**Subhajit Mondal & Ors.
VS
The State of West Bengal & Ors.**

Mr. Amitava Karmakar,
Mr. Pradip Kr. Neogi,
Mr. Anirban Saha.

...for the Petitioners.

Mr. Sandip Chakraborty,
Mr. Kaustav Das.

...for respondent nos.6 to 10.

Mrs. Jhuma Chakraborty, Sr. Govt. Adv.,
Ms. Munmun Tewary.

...for State.

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

Petitioners and the private respondents have
dispute over a property, while the petitioners submit that
the private respondents are trying to encroach upon a
portion of the shop.

On the other hand learned advocate for the private
respondents submit that the petitioners have been
encroaching upon their land and trying to grab the
property.

State has submitted a report. Report reflects that
a mass petition was filed by the petitioners and
subsequently apprehending breach of the peace.
Prosecution under Sections 170/126 of BNSS has been
submitted vide Garhbeta PS NCR No. 120/25 and
Garhbeta PS NCR No. 154/25. Police authorities have

directed both the parties to maintain peace and tranquility in the area.

In view of the nature of the dispute relating to title over the property, I am of the view that the Civil Court would be the appropriate forum for canvassing such issues and the police authorities are not empowered to deal with the same.

So far police authorities are concerned they would ensure continuing the surveillance and prevent any untoward incident because of the strained relationship existing between the parties.

With the aforesaid observations WPA 7942 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 learned advocate for the petitioners.

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.)