

06.05.2025
Court No. 35
Item No.9
Rakib

W.P.A. 8588 of 2025

Azizul Haque Sekh & Ors.
VS
The State of West Bengal & Ors.

Mr. Priyankar Ganguly,
Mr. Golam Nure Imrohi,
Ms. Shalini Bairagi.
... for the Petitioners.
Mr. Pantu Deb Roy, Ld. AGP,
Mr. Panna Lal Bandyopadhyay.
...for State.

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

Petitioners claim to be owner of the land where his
peaceful possession is being interfered at the behest of
the private respondents who are trying to oust the
petitioners from the said property, as also grab the same.
Informations have been furnished to the police authorities
but the same did not yield any result.

Learned advocate for the State has submitted a
report. Report reflects that on receipt of the information a
General Diary Entry was recorded at the police station.
Consequently a proceeding under Section 126 of the
BNSS has been drawn up.

I have considered the records of the case and I find
T.S. 184/2022 is pending wherein the learned Civil Judge
(Junior Division), 2nd Court, Berhampore, Murshidabad
was pleased to restrain the private respondents from
ousting the present petitioners from the suit property as

well as not to disturb their peaceful possession. However, the learned Civil Court refused to grant any direction when the petitioners approached the same Court for rendering police assistance.

Having regard to the circumstances presently existing, I am of the view that the proper remedies so far as the prayers of the petitioner are concerned would be before the appellate forum of the said Civil Court. Police authorities would continue to oversee that no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 8588 of 2025 is disposed of.

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

Copy of the report be handed the 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.)