

M/L 333
18.09.2025
Bpg.
ct.no.35

W.P.A.8596 of 2025

**Gora Chand Sen
Versus
The State of West Bengal & Ors.**

Mr. Monosij Mukherjee.
...for the petitioner.

Mr. Pawan Kr. Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Abhijit Bose.
...for the respondent nos.4 & 5.

Petitioner is aggrieved by the fact that the order passed in M.P. Case No.1139 of 2024 is not adhered to by the police authorities. Learned advocate submits that the petitioner is facing obstruction and to that effect submitted a representation to the Inspector-in-Charge, Howrah Police Station but till date no steps have been taken.

Learned advocate for the respondent nos.4 and 5 disputes the contentions advanced by the petitioner.

Having considered that the Executive Magistrate is in seisin of the issue and an order in the nature was passed under Section 163 of the BNSS, I am of the opinion that the provisions only empower the learned Magistrate to pass directions for a limited

period of time, provided there is violation of law and order.

Petitioner's grievance is relating to obstruction on the main entrance gate which is the northern side gate of the property referred to. The issue is absolutely a civil dispute between the petitioner and the private respondents. Until and unless the civil court passes necessary directions, police authorities would hardly be of any assistance in such dispute.

With the aforesaid observations, WPA 8596 of 2025 is disposed of.

There will be no order as to costs.

All 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 given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)