

31.01.2025
Item No.15
Ct. No.35
dc.

W.P.A. 10330 of 2024

**Shri Mrinal Biswas
versus
The State of West Bengal & Ors.**

Mr. Golam Mastafa,
Mr. Tarasankar Samanta ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP,
Mrs. Sanjukta Samanta ... For the State.

Mr. Manik Lal Poddar ... For the Respondent No.5.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the respondent no.5.

The petitioner is aggrieved by the fact that the private respondent no.5 is trying to grab the shop and property of the petitioner which he has inherited and to that effect, he has been threatened by the private respondent.

Learned advocate appearing for the respondent no.5 submits that there was a civil suit and the respondent no.5 has all the authority so far as the right, title and interest of the property is concerned.

State has submitted a report which reflects that whenever dispute and difference arose, proceedings have been drawn up under Sections

107/116(c) of the Code of Criminal Procedure. Be that as it may, the police authorities would be bound by any order passed by the civil court.

So far as the issues relating to right, title, interest and possession are concerned, this Court will not interfere and/or declare in respect of the locus of the parties with regard to a property.

It is, however, directed that since the parties are at loggerheads, the police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondent.

With the aforesaid observations, the writ petition being WPA 10330 of 2024 is disposed of.

There will be no order as to costs.

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.)