

D/L 6
25.06.2025
Bpg.
ct.no.35

W.P.A.11713 of 2025

**Sri Biswajit Das
Versus
The State of West Bengal & Ors.**

Mr. Rafikul Islam Sardar
Mr. Uttam Kumar Pradhan.
...for the petitioner.

Mr. Tapan Kumar Mukherjee
Ms. Sangeeta Roy.
...for the State-respondents.

Mr. Avilash Tripathi.
...for the respondent no.5.

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

Petitioner has approached this Court as the
representation dated 08.05.2025 was not considered
by the Officer-in-Charge, Khejuri Police Station. The
accusation of the petitioner is that the petitioner was
assaulted with the aid of deadly weapons.

State has submitted a report which reflects
that a long standing dispute is existing between the
petitioner and the private respondents. Report reflects
that there are cases which have been registered for
investigation being Khejuri Police Station Case
No.167 of 2025, Khejuri Police Station Case No.171 of

2025 and Khejuri Police Station Case No.166 of 2025, while the first two cases were initiated on the complaint of the present petitioner, the last of the case was registered on the basis of complaint of one Sasanka Das. Police authorities have completed the investigation and submitted charge-sheet before the jurisdictional court.

Presently, the petitioner intends to enter the shop and to that effect has preferred the writ petition.

Records reflect that already T.S. No.244 of 2016 is pending before the learned Civil Judge (Junior Division), 1st Court, Contai. Records further reflect that there was direction upon the police authorities and consequently a report has been submitted. The next date has been fixed before the learned trial court on 15.09.2025.

As for establishment of right is concerned the civil court is having absolute domain, as such I direct that the petitioner and the respondents would establish their right before the civil court. This Court under Article 226 of the Constitution of India will not enter into the domain wherein the civil court is already in seisin of the issue. Police authorities would only ensure that there is no breach of the peace and/or tranquility and/or any untoward incident may

not happen because of the strained relationship between the parties.

With the aforesaid observations, WPA 11713 of 2025 is disposed of.

There will be no order as to costs.

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.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)