

**25.06.2025**  
Item No.35  
Ct. No.35  
dc.

**W.P.A. 11970 of 2025**

**Gayatri Banerjee  
versus  
The State of West Bengal & Ors.**

Mr. Arindam Banerjee,  
Mr. Abhishek Banerjee ... For the Petitioner.

Mr. K. J. Yusuf, AGP,  
Mr. Parikshit Goswami ... For the State.

Mr. Debasish Mukhopadhyay,  
Mr. S. Datta,  
Ms. Jeenia Rudra ... For the Respondent Nos. 5 & 6.

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 nos. 5 and 6.

Learned advocate appearing for the petitioner submits that the petitioner is aged more than 80 years and is residing with her physically challenged daughter who is being threatened and her peaceful enjoyment is interfered with by the private respondent nos. 5 and 6. It is also submitted that the very purpose of creating such interference is with the illegal design of evicting the petitioner from her lawful enjoyment of property.

Learned advocate appearing for the private respondent nos. 5 and 6, on the other hand, submits that a title suit being T.S. No. 602 of 2024

is pending before the learned Civil Judge (Junior Division), 2<sup>nd</sup> Court, Barrackpore and there is an order of *status quo* which has been passed by the jurisdictional civil court. It is further stated that the respondent no.5 is aged about 74 years. Additionally, it has been submitted that the jurisdiction of this Court has been attempted to be invoked for foisting unnecessary litigations upon the private respondents without respecting the order passed by the civil court.

State has submitted a report which reflects that police authorities are aware regarding pendency of the civil case and on enquiry, they have not been able to detect any violations. Report also reflects that there were earlier proceedings under Section 144 of the Code of Criminal Procedure.

I have considered the submissions advanced on behalf of the respective parties and also the report submitted by the police authorities. Primarily the nature of dispute complained of, is a civil dispute arising out of the property wherein the civil court is already in seisin of the issues. Police authorities are, therefore, directed to ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 11970 of 2025 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.)**