

D/L 29
25.02.2025
Bpg.
ct.no.35

W.P.A.12252 of 2023

**Sri Murari Mohan Naskar
Versus
The State of West Bengal & Ors.**

Mr. Aritra Roy
Mr. Titas Niyogi.
...for the petitioner.

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas.
...for the State-respondents.

Mr. Habibur Rahaman
Mr. Md. Ali Ahasan
...for the private respondent nos.7 (i) & (ii).

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

Petitioner is aggrieved by the inaction of the
police authorities as he submitted a representation on
or about February, 2023 but till date no assistance
was rendered to him. Petitioner alleges that the name
of the private respondents have been wrongly
incorporated in the record of rights.

Learned advocate for the State opposes the
contentions and submits that an application must be
made before the appropriate authorities or the
jurisdictional civil court and in a summary manner
the contentions of the petitioner cannot be
considered.

Learned advocate for the respondent nos.7(i) and (ii) opposes the contentions and submits that the petitioner has invoked the jurisdiction of this Court to establish his right although he is not entitled to do the same.

I have considered the contentions of the petitioner, State and the private respondents and I am of the view that the police authorities would only restrict themselves so far as the law and order is concerned and as such would prevent any breach of the peace and/or tranquility and/or any untoward incident resulting from the strained relationship existing between the parties.

So far as the right, title, interest, possession and occupation of the property is concerned, the appropriate authority is the civil court who would deal with the same and police will not interfere with the same.

With the aforesaid observations, WPA 12252 of 2023 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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.)