

D/L 8
28.07.2025
ct.no.35
Kausik

W.P.A. 14385 of 2025

**Surya Sarathi Chattopadhyay & Anr.
Versus
The State of West Bengal & Ors.**

Mr. M.P. Chakraborty
Mr. Mrityunjoy Chatterjee
Mr. Bapin Baidya
Ms. Deyasini Chakraborty

...for the Petitioner.

Mr. Pratip Mukherjee
Mr. Sudip Basu

...for the respondent nos. 4 to 6.

Mr. Suman Ghosh
Mr. Arka Mondal

...for the State.

Affidavit of service filed be kept with the
record.

Petitioner is aggrieved by the fact that the
private respondents are trying to take the law in
their own hands and in spite of the petitioner being
in possession, the private respondents are trying to
illegally throw them out of the property.

Learned advocate for the respondent nos. 4
to 6 submits that the respondents have an Order in
their favour passed by the State Consumer Disputes
Redressal Forum. It has been submitted by the
respondents that the petitioner has failed to obtain
any interim order from the civil court.

Be that as it may, learned advocate for the State submits that absolutely a civil dispute has been given the cloak of a criminal proceeding.

Petitioner and the private respondents both claim regarding the ownership of the property. As such, it would be the civil court to decide the title. The police authorities cannot decide the right, title and interest of a property concerned. So far as the issue relating to possession is concerned, the same also is to be done in accordance with the due process of law.

Having regard to the fact that the police authorities have hardly any role to play, but there is a dispute between the petitioner and the private respondents, police authorities would keep a strict vigil and whoever violates the provisions of law be taken to task by the police authorities.

With the aforesaid observations WPA 14385 of 2025 is disposed of.

Report 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.

(Tirthankar Ghosh, J.)