

D/L 90
25.07.2025
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ct.no.35

W.P.A.14847 of 2025

**Braja Gopal Baishnab
Versus
The State of West Bengal & Ors.**

Mr. Mazhar Hossain Chowdhury
Md. Zeeshamuddin
Ms. Chandima Debnath.
...Petitioner (in-person).

Mr. Suman Sengupta
Mrs. Amrita Panja Moulick.
...for the State-respondents.

Mr. Kamalesh Chnadra Saha
Mr. Arka Mukherjee.
...for the private respondent nos.4 and 5.

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

Petitioner is aggrieved by the fact that in
spite of informing the police authorities, no steps
have been taken by the police authorities. Petitioner
claims to be owner of a shop room which is being
occupied by the private respondents.

Learned advocate for the State has submitted
a report. Report reflects that earlier criminal cases
were registered pursuant to information furnished by
the petitioner and the private respondents. Police is in
knowhow of the dispute relating to the possession of
the shop room.

However, the petitioner complains that the police authorities are not vacating the shop room. So far as the right, title, interest and possession is concerned, police authorities would act pursuant to directions passed by a civil court and cannot act *suo moto* as the said powers are not vested with the police authorities.

Learned advocate for the private respondents submits that the accusations made in the writ petition are disputed and denied and are deemed not to have been admitted as no affidavits have been filed on behalf of the private respondents.

Having regard to the nature of the dispute and the history of criminal cases pending, I am of the view that police authorities would oversee that no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 14847 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to both the parties.

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.)