

Sl.No. 47 20.03.2025
Court No. 35
G.S.Das

WPA 16106 of 2024

Ashit Ghosh Mullick
-Vs-
The State of West Bengal & Ors.

Mr. Apurba Kr. Ghosh
Mr. Rudranil Ghosh
... for the Petitioner(s)

Mr. Ansar Mandal
Mr. Tanweer J. Mondal
... for the State-respondent(s)

Mr. Sounak Bhattacharya
Mr. Sounak Mandal
Mr. Abhirup Halder
Mr. Anirban Saha Roy
... for the Private Respondent (s)

The petitioner complains that in spite of informing the Officer-in-charge of Sonarpur Police Station as also the Superintendent of Police, South 24 Parganas, no steps have been taken by the concerned police authorities.

The grievance of the petitioner is that his property is being encroached at the behest of the private respondents and he has been obstructed from free egress

and ingress to his property.

Learned advocate for the private respondent(s), on the other hand, submits that the petitioner, initially, filed a title suit being T.S. 114 of 2005 which was dismissed; thereafter, preferred an appeal being T.A. 26 of 2015 which was also dismissed. Subsequently, Second Appeal has been preferred which is pending.

According to the learned advocate for the private respondents, there have been concurrent findings of the two civil courts (the Civil Court and the Appellate Court) and the petitioner, presently, is trying to use the police authorities having failed to get any remedy being available with the civil courts.

Learned advocate for the State sings in the same tune with the learned advocate for the private respondents so far as the findings of the civil courts are concerned and submits additionally that the

police authorities have been keeping strict vigil and till that there has been no incident of any dispossession. Learned advocate also submits that in case any further incident happens, the police authorities are ready and willing to take steps in accordance with law.

In view of the civil court(s) already *in seisin* of the matter as also the fact that Second Appeal is pending, so far as the police authorities are concerned, the police authorities would only restrict themselves over the issue that no breach of the peace and/or tranquility takes place as also no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 16106 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with

the record.

Parties to act on a server copy of this
order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)