

D/L 11
06.08.2025
Bpg.
ct.no.35

W.P.A.16801 of 2025

**Subrata Aich & Ors.
Versus
State of West Bengal & Ors.**

Mr. Arita Palit
Mr. Syed Murshid Alam
Mr. Sk. Abdulla Mondal
Mr. Subrata Ghosh
Ms. Amrita Sen.
...for the petitioners.

Mr. Sirsanya Bandhopadhyay
Mr. Akash Dutta.
...for the State-respondents.

Mr. Somraj Dhar
Mr. Suman Singh.
...for the respondent no.10.

Mr. Tirthankar Dhali
Mr. P. Chowdhury.
...for the respondent nos.6 to 9.

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

Learned advocate appearing for the
petitioners is aggrieved by the fact that in spite of the
orders passed in Title Suit No.66 of 2024, there has
been encroachment in the property. Learned advocate
has drawn the attention of the Court to the order
dated 14.05.2025 passed by the learned Civil Judge
(Senior Division), Kalna, Purba Bardhaman wherein
there was a direction to maintain status quo in
respect of the nature, character and possession of the

property. The preliminary prayers which are reflected in the writ petition which has been advanced by the petitioners is primarily on ensuring possession of the petitioners in respect of certain plots of land.

State has submitted a report. Report reflects that one of the respondents, the respondent no.7, namely, Najrul Sheikh informed the police station that the injunction order is not in existence. Police report also reflects that two criminal cases have been initiated, one being Nadanghat P.S. Case No.783 of 2024 and another Nadanghat P.S. Case No.308 of 2025.

Having regard to the fact that the petitioners and the private respondents are before the civil court, it would be in the interest of justice that the issues relating to encroachment, demarcation, right, title, interest, possession and usage be left to the discretion of the civil court to adjudicate the issues.

Police authorities are in seisin and in knowhow of the nature of the dispute existing between the petitioners and the private respondents, they would keep a strict vigil and take steps according to law as and when situation so demands.

With the aforesaid observations, WPA 16801 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.)