

03.09.2025
Item No.3
Ct. No.35
dc.

W.P.A. 19267 of 2025

**Badal Sau
versus
The State of West Bengal & Ors.**

Mr. Bhaskar Chandra Manna ... For the Petitioner.

Mr. Vivekananda Bose,
Mr. Tirthankar Dey ... For the State.

Mrs. Daisy Basu,
Mr. Jayanta Mukherjee ... For the Respondent Nos.6 to 9.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the private respondents.

Learned advocate appearing for the petitioner submits that the private respondents have obstructed the passage and as such there is issue relating to egress and ingress.

Records of the writ petition reflects that a title suit being T.S. No. 216 of 2013 is pending since 2013 wherein an application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure was filed by the plaintiffs (predecessor of the present petitioner). The said prayer for ad interim temporary injunction was refused by the learned Civil Judge (Senior Division), 1st Court, Tamluk, Purba Medinipur.

Petitioner complains of being obstructed because of the illegal structure.

Learned advocate appearing for the private respondent nos. 6 to 9 submits that the present petitioner purchased the property when the structure of cement poles was already existing.

An application under Section 163(2) of BNSS was also filed by the previous owners. Over the same issue, a criminal case being Kolaghat P.S. Case No. 775 of 2024 was registered for investigation and charge-sheet has already been submitted.

Since the civil court is in seisin of T.S. 216 of 2013 and on 30.07.2024, ad interim injunction was rejected wherein the same contentions were advanced, I am of the view that during pendency of a civil case, a writ court cannot interfere.

Police authorities, as directed earlier, would only ensure regarding the issues relating to law and order because of the strained relationship between the parties.

With the aforesaid observations, the writ petition being WPA 19267 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order,
if applied for, be supplied to the parties upon
compliance with all requisite formalities.

(Tirthankar Ghosh, J.)