

02.07.2025
Item No.44
Ct. No.35
dc.

W.P.A. 21554 of 2024

**Sukdeb Mandal
versus
The State of West Bengal & Ors.**

Ms. Ambika Sasmal,
Ms. Aparajita Mitra ... For the Petitioner.

Mr. Wasim Ahmed,
Sk. Md. Masud ... For the State.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal ... For the Respondent Nos.6 to 14.

The petitioner is aggrieved by the fact that the representation which was furnished to the Superintendent of Police, South 24-Parganas did not yield any result. Petitioner complains that the private respondents are allowed to cultivate the land, but subsequently they have entered into a dispute and are not allowing the petitioner to peacefully enjoy the property. To that effect, series of applications under Section 144 of the Code of Criminal Procedure were preferred between 2018 and 2024.

Learned advocate appearing for the State submits that title suit is pending between the parties and by ignoring the civil court, prayer has been advanced for fencing the land. To that effect, attention of the Court has been drawn to the prayer which has been advanced by the petitioner in the writ petition.

Learned advocate appearing for the private respondent nos. 6 to 14 submits that absolutely a

civil dispute which is being adjudicated by the civil court and prayers advanced therein are being evaded and by circumventing the same, the writ petition has been preferred. Learned advocate for the respondents further submits that the prayers in the writ petition as well as the contents therein are not maintainable in law.

I have considered the submissions of the learned advocates appearing for the petitioner, the State and the private respondents and on an assessment of the same, I find that the subject-matter of land in dispute and the prayers so advanced for fencing cannot be addressed by the police authorities until and unless the police authorities get direction from a court of law. Since the civil court is already in seisin of the issues, it would be for the civil court to take a decision in case such prayers are being considered by the said court. Police authorities would only oversee that since a series of cases have been preferred, the situation at the behest of the petitioner and the private respondents are not blown out of proportion. Steps be taken by the police authorities for restoring breach of the peace and tranquility in case the same is violated by any of the parties.

With the aforesaid observations, the writ petition being WPA 21554 of 2024 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.)