

Sl.No.

4

06.03.2025

Court
No. 35

G.S.Das

WPA 21874 of 2022

Tentul Molla @ Tentul Molla (Sekh)

-Vs-

The State of West Bengal & Ors.

Mr. Mridul Kanti Sasmal

Mr. Tanmoy Chatterjee

... for the Petitioner(s)

Ms. Parna Roy Choudhury

... for the State-respondent(s)

Mr. Atis Kumar Biswas

Ms. J. Agarwal

... for the private respondent nos.7,9,11

& 13-16

The petitioner has approached this court being aggrieved by the inaction of the police authorities, as according to him, in T.S. No. 184 of 2014 a restrain order from dispossessing the plaintiff from the suit property has been passed by the learned Civil Judge (Jr. Divn.), Tehatta, Nadia. Subsequently, the petitioner approached the Executive Magistrate and there were directions passed.

Mr. Biswas, learned advocate, appears for some of the respondents and draws the attention of the Court to the

order dated 21.11.2014 wherein schedule of the suit property was referred to by the learned Civil Judge (Jr. Divn.) which reflects that the primary grievance of the petitioner was relating to converting of the suit property into pond and practicing pisciculture there by the defendants (the private respondents herein) who are also trying to occupy the suit property.

As none appears on behalf of the State, Mr. Parna Roy Choudhury, learned advocate empanelled with the office of the Government Pleader is directed to represent the State. Her appointment may be regularized by the concerned authorities.

On perusal of the records, I find that the description of the suit property reflected in the order dated 21.11.2014 and the nature of the grievance mentioned in the writ petition is completely different.

As the petitioner has prayed for

removal of obstruction and restoring possession, I am of the opinion that, as the civil suit is pending it would be the duty of the learned civil court to pass necessary orders. No interference is called for from this court by invoking its jurisdiction under Article 226 of the Constitution of India.

With the aforesaid observations, WPA 21874 of 2022 is disposed of.

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

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.)

