

06.03.2025
Court No. 35
Item No.44
Rakib

W.P.A. 23195 of 2024

Bhabatosh Mondal.
VS
The State of West Bengal & Ors.

Mr. Rafikul Islam Sardar.
... for the Petitioner.
Mr. Kamal Mishra,
Ms. Poushali Das.
... for the respondent no.4&5.
Mr. Suman Sengupta,
Mr. Sanatan Panja.
... for the State.

Petitioner is aggrieved by the fact that inspite of Civil Court in siesin of the matter and specifically having observed in Misc. Appeal no. 4/2024 that the status quo would be in respect of baram path in Suit Plot no. 3507/4746, the private respondents have encroached the path and have assaulted the petitioner when they resisted to such illegal activities.

Learned advocate for the private respondents on the other hand submit that the construction has been completed but no part of the pathway has been in any manner encroached.

State has submitted a report which reflects that as and when dispute and differences arose, police authorities have taken steps and lastly on or about 06.02.2024 a proceeding under Section 107 of the Code of Criminal Procedure has been drawn up against the Tamesh Ranjan Mondal and Tapan Kumar Mondal.

Having considered that the Civil Court is already in siesin of the issue, the police authorities would restrict themselves in maintaining the breach of the peace and/or tranquility. Police authorities would therefore oversee that there is no untoward incident resulting from the inimical relationship existing between the parties, particularly with regard to the pathway which is the subject matter of the Civil Suit.

With the aforesaid observations WPA 23195 of 2024 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)