

D/L 17
03.04.2025
Bpg.
ct.no.35

W.P.A.26187 of 2024

**Madan Mohan Das
Versus
The State of West Bengal & Ors.**

Mr. Subhas Ch.Saha
Mr. Deo Nath Sonkar.
...for the petitioner.

Mr. K.J. Yusuf
Ms. Munmun Ganguly.
...for the State-respondents.

Mr. Rabiul Islam
Ms. Rama Halder.
...for the private respondent nos.9 to 11.

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

Petitioner is aggrieved by the fact that in spite of informing the police authorities on or about 26.08.2024 in respect of debutter property where he had been engaged as shebait, the private respondents are obstructing the petitioner from performing his right.

State has submitted a report. Report reflects that the private respondents are in possession. The basis of which is the BLLRO's report. There were allegations in the representation filed with the police authorities that the petitioner is being threatened of dire consequences including murdering him. To that

effect, the police authorities have drawn up proceedings under Section 126 of the BNSS. There are other cases before the Executive Magistrate filed at the behest of the parties.

In view of the nature of dispute and the petitioner intends to establish his right, I am of the view that without the civil court's interference, the right of the petitioner cannot be established. If the petitioner, is so advised, he would be at liberty to approach the jurisdictional civil court for appropriate remedies. So far as the police authorities are concerned, they would continue to keep a strict vigil and ensure that no untoward incident results because of the strained relationship between the parties.

With the aforesaid observations, WPA 26187 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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

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.)