

ML.47
15.01.2025
Court No.35
S. Gayen

WPA 30372 of 2024

Hamidul Sk
Versus
The State of West Bengal & Ors.

Mr. Tapan Dutta Gupta
Mr. Amit Kumar Misra
...for the Respondent No. 5.

Mr. Lalit Mohan Mahato, Id. AGP
Mr. Ziaul Haque
...for the State.

1. The petitioner has approached this Court as he is being disturbed while constructing the dwelling house.
2. Learned advocate for the State submits a report. The report reflects that a partition suit is pending before the learned Civil Judge (Senior Division), Behrampur, Murshidabad over the suit plot being Partition Suit Case No. 124/2024 filed by the respondent No.5. Both the petitioner and the private respondent are at loggerhead and as such the police authorities have drawn up proceedings under Section 107 of Code of Criminal Procedure.

Subsequently again proceedings under Section 126 BNSS have drawn up by the police authorities. The main thrust of contention of the State is that no sanction plan was obtained by the petitioner for constructing building and as such the police authorities did not render any police assistance in view of the partition suit pending.

3. Having regard to the contention in the report, nature of dispute existing between the parties, I direct that until and unless the petitioner is able to produce a specific order of the Civil Court or from the appropriate authority, the police authorities would not render assistance in respect of the issues relating to construction. However, the police authorities would keep a strict vigil and would ensure that no breach of the peace takes place and /or any untoward incident results because of the inimical relationship between the petitioner and the private respondent.
4. With the above observations, WPA 30372 of 2024 is disposed of.
5. The report submitted by the State be kept with the record. A copy of the report be submitted to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)