

16.01.2025
Item No.74
Ct. No.35
dc.

W.P.A. 30630 of 2024

**Bijay Das & Anr.
versus
The State of West Bengal & Ors.**

Mr. S. N. Arefin,
Mr. Partha Chakraborty,
Mr. Muhammad Obaid ... For the Petitioners.

Ms. Sonal Sinha,
Ms. Ashmita Chakraborty ... For the State.

Mr. Saikat Debnath ... For the Respondent No.7.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the private respondent no.7.

The petitioner is aggrieved by the fact that the police authorities are unnecessarily interfering with the cultivation in respect of a land which is outside the scope of the civil suit being T.S. 492 of 2022. The said title suit is pending before the learned Civil Judge (Junior Division), 2nd Court, Basirhat, 24-Parganas North. The petitioner further complains that earlier the private respondent no.7 preferred WPA 25343 of 2024 for which the petitioner is suffering.

Learned advocate appearing for the respondent no.7 opposes such contentions advanced on behalf of the petitioner.

State has submitted a report which refers to the earlier order passed in WPA 25343 of 2024 wherein this Court directed that the status quo order in respect of protection of the suit property should be maintained and if there is any violation of the same, the police authorities would take appropriate action under the relevant provisions of law and implement the order passed by the civil court.

Since the petitioner disputes regarding the subject property referred to in the schedule of T.S. 492 of 2022 which is pending before the learned Civil Judge (Junior Division), 2nd Court, Basirhat, 24-Parganas North, I direct that the petitioner would take out appropriate application before the learned Civil Judge drawing the attention of the court if it is outside the scope of the civil suit on which the police authorities are exercising their powers. In case such an application is preferred by the petitioner, the learned Civil Judge will pass necessary directions upon the police authorities, if the court is satisfied with the contentions advanced on behalf of the petitioner.

In view of the petitioner and the private respondent are at loggerheads, the police authorities would keep a strict vigil and ensure that the earlier direction passed by this Court in WPA 25343 of 2024 is complied with.

With the aforesaid observations, the writ petition being WPA 30630 of 2024 is disposed of.

There will be no order as to costs.

As no affidavits have been called for, the accusations made against the private respondent and/or the State-respondents are deemed not to have been admitted.

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.)