

16.06.2022  
Sl. No.44  
srm

**W.P.A. No. 16227 of 2021**

**Dipak Singha Roy @ Biswapati Singha Roy & Anr.**

**Versus**

**The State of West Bengal & Ors.**

Mr. Arindam Chattopahayay,  
Mrs. Lipika Chatterjee,  
Mr. Soumik Dey

...for the Petitioners.

Mr. Susanta Pal,  
Mr. Ananda Dulal Sarkar

...for the State-respondents.

Despite service, none appears on behalf of the respondent  
Nos.7 to 12. Affidavit-of-service is taken on record.

The grievance of the petitioners is that there are subsisting  
orders of injunction passed in Title Suit No.23 of 2021 and Title  
Suit No.24 of 2021. The suits are pending between the petitioners  
and the respondent Nos.7, 8 and 11. In violation of such orders,  
construction is being going on. Intervention of the Court is  
sought for so that the orders of injunction passed in the suits can  
be implemented through police help. The proceedings under  
Section 144(2) of the Code of Criminal Procedure had also been  
initiated and the Inspector-in-Charge, Raghunathganj Police  
Station, Murshidabad had been directed to comply with the  
order of the learned civil court.

It is further alleged that the respondent Nos.9 and 12 were not parties to the suit and they had started making the construction on a part of the suit land, which has been classified as a 'bagan'.

The police authorities have filed a report, from which it appears that the dispute is with regard to an ejmali property, which is a 'bagan'. The police authorities have also come to learn, upon enquiry, that despite the pendency of the suits and orders of junction, the parties have been selling the property to outsiders. Hence, the disputes arose. The police report is taken on record.

Under such circumstances, the remedy of the petitioners would be to proceed against the third parties who have stepped into the shoes of some of the co-sharers by taking appropriate steps in the civil suit. Further prayers of the petitioners restraining such third parties shall be available before the learned civil court. If such applications are made, the same shall be disposed of in accordance with law.

With regard to the illegal conversion of a 'bagan', the remedy of the petitioners shall be before the Block Land and Land Reforms Officer in terms of the provisions of the Land Reforms Act, 1955. However, the police authorities shall ensure that law and order is maintained and no breach of peace takes place.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**