

07.02.2023.  
Court No.13  
Item No. 343  
ap

**W.P.A. No. 21466 of 2021**

**Md. Nabab Ali & Ors.  
Versus  
The State of West Bengal & Ors.**

Mr. Arun Shaw,  
Mr. Subhadip Paramanik.

..For the petitioners.

Affidavit-of-service filed in Court today be taken  
on record.

The petitioners complain of alleged inaction on  
the part of Deganga Police Station.

The petitioners are enjoying an order of  
injunction in Pre-emption Misc. Case No. 29 of 2021  
now pending before the learned Civil Judge (Junior  
Division) 1<sup>st</sup> Court at Barasat.

Admittedly, the private respondent no.6 is a co-  
sharer along with the petitioners in respect of the  
property in question.

It is submitted that in violation of the order of  
injunction, the private respondents are encroaching  
upon their properties. It is further submitted that T.S.  
No. 153 of 2021 is also a suit for partition pending  
before the learned Civil Judge (Junior Division) 1<sup>st</sup>  
Court at Barasat. On the petitioners' complaint, G.D.  
Entries have been made.

On the complaint of the private respondents and  
on the directions of the learned Magistrate, Deganga

Police Station have registered FIR being No. 135 of 2022 dated 28.02.2022.

The petitioners may seek enforcement of the order of status quo before the Civil Court in the pre-emption case.

The Inspector-in-charge, Deganga Police Station shall ensure that there is absolutely no breach of peace in the area.

The report of the Inspector-in-charge, Deganga Police Station dated 5<sup>th</sup> February, 2023 in the form of instructions addressed to the Government Pleader, High Court, Calcutta be taken on record.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**