

M/L425
09.12.2024
Bpg.
ct.no.35

W.P.A.249 of 2024

**Sri Sukhendu Mal
Versus
State of West Bengal & Ors.**

Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya.
...for the petitioner.

Mr. Somnath Ganguli
Ms. Rupsha Chakraborty.
...for the State-respondents.

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

Petitioner complains that in spite of order restraining the petitioner from dispossessing the petitioner from the property being passed by the learned Civil Judge (Junior Division), 1st Court, Barasat in T.S.1194 of 2023, the private respondents are regularly threatening the petitioner who runs a jewellery shop from the said premises.

Report submitted by the State be kept with the record.

Learned advocate for the State submits that the difference and dispute is civil in nature.

Having considered that the petitioner apprehends that he may be evicted without the due process of law in spite of the order of the civil court existing, I direct that firstly the petitioner would

approach for appropriate reliefs for police assistance or police protection before the learned Civil Judge in seisin of T.S.1194 of 2023, in case the learned civil court is of the view that police assistance and police protection be rendered, then in that case the police authorities would not only respect and obey the order but would implement the order passed by the learned civil court. In the meantime, the police authorities would ensure that if with due process of law the petitioner has been lawfully carrying on his business he should not be dispossessed because of the order of the civil court already being in existence. No untoward incident should take place as the petitioner and the private respondents are at loggerhead.

With the aforesaid observations, WPA 249 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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.)