

10.12.2024
Item No.427
Ct. No.35
dc.

W.P.A. 437 of 2024

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

Mr. Mujibar Ali Naskar,
Md. Habibur Rahman ... For the Petitioners.

Mr. Jayanta Samanta,
Mr. Keshab Chandra Das ... For the State.

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 advocate appearing for the petitioners.

The petitioners complain that in spite of the order of ad interim injunction passed on 29.11.2023 in P.S. 371 of 2023 by the learned Civil Judge (Sr. Division), Islampur, Uttar Dinajpur, the private respondents are violating the said order. Subsequently there was a direction by the learned Civil Judge (Sr. Division), Islampur upon the Inspector-in-Charge, Goalpokher Police Station to ensure that the order of the court passed on 29.11.2023 is complied with.

State has submitted a report which reflects that the police authorities have taken some steps, but it is also brought to the notice of this Court that in the year 2002-2003, the Government of

West Bengal has already taken over the land recorded in khatian no. 1/1 and a Su-Swasthya Kendra (Health & Wellness Centre) construction work is going on the said government land in accordance with the work order passed. The police authorities complain that the said order has been obtained by suppressing the real state of affairs.

Accordingly, the learned Civil Judge (Sr. Division), Islampur would modify his order in consonance with the report submitted by the police authorities after subjectively being satisfied in respect of the contentions.

Let this report be placed before the learned Civil Judge (Sr. Division), Islampur through the Government Pleader of the said court within a period of fifteen days from date. Thereafter, if the learned court passes order adhering to the provisions of law, the police authorities would be bound by the said order passed by the learned Civil Judge (Sr. Division), Islampur.

With the aforesaid observations, the writ petition being WPA 437 of 2024 is disposed of.

There shall be no order as to costs.

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.)