

Court No. 35
(265777)

11.12.2024

(A 511)

(S. Banerjee)

WPA 6309 of 2024

Prabir Kumar Saha & Anr.

Vs.

State of West Bengal & Ors.

Mr. Goutam Dey
Mr. Dibyendu Bhattacharya
Mr. Prateep Bera
Ms. Ankita Ghosh
Ms. Somasree Bakshi

...for the petitioners

Ms. Munmun Ganguly
Ms. Ashmita Ghosh

...for the State

Mr. Kumarjyoti Tewari, Sr. Advocate
Mr. Tarunjyoti Tewari
Mr. Amrit Sinha
Mr. Aniruddha Tewari
Ms. Kausiki Bose

...for the respondent no. 8

Mr. Sibasis Chatterjee

...for the respondent no. 9

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

The petitioner is aggrieved by the fact that the
private respondents have illegally affixed padlocks as
also pasted posters which contain derogatory
statements and in spite of informing the police
authorities on 05.10.2023, no steps have been taken
by them.

The learned advocate appearing for the private
respondents has taken out an application wherein it

has been contended that already Title Suit No. 8 of 2024 has been initiated and there has been an order of ad interim injunction dated 25.07.2024 which has been extended subsequently.

Learned advocate appearing for the petitioners to rebut such contention, has drawn the attention of this Court to a communication made by one of the respondents to the Officer in Charge Berhampore Police Station in respect of the nature of the transactions which have been contended over there.

State has already submitted a report which reflects that a proceeding under Section 107 of the Code of Criminal Procedure has been drawn against the petitioners and the private respondents.

Having considered the nature of the dispute and that the civil court is in seisin of the matter, the petitioner will ventilate his grievance before the civil court. In case the civil court passes any order including directions upon the police authorities to implement the order, in such a case the police authority would respect and obey such order and give effect to the direction passed by the learned Civil Judge/Civil Court. For the present, police authorities have been maintaining a vigil, police will continue to ensure that no breach of peace takes place at the

locale and/or untoward incident crops up because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 6309 of 2024, along with CAN 1 of 2024, is disposed of.

Report so submitted is kept with the record.

As the respondents have not been called upon to submit any affidavit, the accusations made against the respondents are deemed to have not been admitted.

Urgent photostat certified copies of this order, if applied for, be issued to the parties on compliance of requisite formalities.

(Tirthankar Ghosh, J.)