

26.11.2024

Item No.51

Ct. No.35

dc.

W.P.A. 8519 of 2024

**Azizul Molla & Ors.
versus
The State of West Bengal & Ors.**

Mr. Aniruddha Tewari,
Mr. Amrit Sinha ... For the Petitioners.

Ms. Nilanjana Banerjee Pal ... For the State.

Mr. Kaushik Dey,
Mr. Soumyajit Mishra ... For the Respondent Nos. 5 & 6.

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 claim that in spite of the order passed by the learned Civil Judge (Jr. Divn.), 1st Court, Barasat in Title Suit No. 705/2023, the private respondents have been violating the same and carrying on their construction and/or obstructing the petitioners from enjoying their property.

Learned advocate appearing for the private respondents disputes the same and submits that the subject-matter of the civil suit and the orders passed therein are completely different from the place where the private respondents are raising their construction.

The petitioners are directed to approach the civil court already in seisin of T.S. 705/2023 under the appropriate provisions of law for police assistance in respect of implementing the civil court's order. In case such an order is passed by the civil court, the police authorities would respect, obey and be bound by such order until and unless the same is varied by a higher court.

Since the petitioners and the private respondents are at loggerhead, the police authorities would keep a vigil and ensure that no breach of peace takes place or that there is no untoward incident which results because of the existing relationship between the petitioners and the private respondents.

With the aforesaid observations, the writ petition being WPA 8519 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.)