

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**23.12.2024
SL 13
Court No. 14
BP/AGM**

WPA 16412 of 2024

**Jai Prakash Jaiswal & Ors.
vs.
The State of West Bengal & Ors.**

**Mr. Rajdeep Bhattacharya.
Ms. Adrija Bhattacharya.
... For the petitioners.**

**Mr. Dipanjan Datta.
Mr. Wasim Ahmed.
Sk. Md. Masud.
... For the State.**

**Mr. Shree Prakash Jaiswal.
... respondent no. 6 in person.**

1. The petitioner alleges that the order passed by the learned Civil Court on 29th June, 2012 in Title Suit no. 106 of 2006 is being violated. By the said order the Court directed the Officer-in-Charge of the concerned Police Station to see that the order passed in the suit on 26th September, 2006 is duly implemented and enforced.
2. According to the petitioner, the private respondent has transferred the property by violating the order of status quo passed by the learned Civil Court.
3. Prayer has been made to direct the police to act in accordance with the said order.
4. The respondent no. 6 Shri. Shree Prakash Jaiswal appears in person and opposes the prayer of the petitioner.

5. It has been submitted that the Title Suit No. 106 of 2006 is in respect of a different property. The petitioner is trying to implement the order passed in respect of a particular property to a different property.
6. The allegations made against the private respondent are all denied.
7. A report has been filed by the Officer in Charge, Golabari P.S. signed on 5th July, 2024 which mentions that in response to the complaint of Mayank Agarwal, the Golabari P.S. Case No. 218 of 2024 dated 02.07.2024 under Sections 223/351(4)/3(5) BNS 2023 was started against the respondent no. 6 herein.
8. Upon hearing the parties and upon perusal of the materials on record, it appears that there are several disputed questions of facts which cannot be adjudicated by the writ Court.
9. The parties have already approached the Civil Court for remedy and the civil suit is pending adjudication.
10. It will be open for the parties to approach the learned Civil Court for necessary relief.
11. The police is directed to ensure that there is no breach of peace and tranquility in the locale.
12. The writ petition stands disposed of.
13. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)