

Court No. 35
(265777)

16.12.2024
(ADSL 10)
(S. Banerjee)

WPA 11286 of 2024

Swapan Kumar Naiya
Vs.
State of West Bengal & Ors.

Mr. Bapin Baidya

...for the petitioner

Mr. Swapan Banerjee
Ms. Sangeeta Roy

...for the State

Petitioner is aggrieved by the fact that in spite of order having been passed in Title Suit No. 533 of 2023 wherein it was directed that the petitioner's peaceful possession be not disturbed by the private respondents and also there should not be any change in the nature and character of the property, the private respondents are continuing to disturb the peaceful possession of the property of the plaintiff.

Be that as it may, learned advocate for the State has submitted that earlier there were directions passed in WPA 6154 of 2023 wherein liberty was granted to pray for police help upon cost for posting a police picket for harvesting the crops.

I do not find that the petitioner has taken out any application before the learned Civil Judge under Order 39 Rule 2A or under Section 151 of the Code of

Civil Procedure. If such an application is preferred and the learned Civil Judge considers that police assistance or police protection should be rendered to the present petitioner, in that case police authorities would respect and obey the said order and would be bound by such order.

In the meantime, the police authorities would keep a strict vigil and ensure that no breach of peace takes place at the locale.

With the aforesaid observations WPA 11286 of 2024 is disposed of.

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

(Tirthankar Ghosh, J.)