

D/L 40
25.11.2024
Kausik
ct.no.35

W.P.A. 12842 of 2024

**Prasen Mondal
Versus
The State of West Bengal & Ors.**

Mr. Dilip Kr. Saha
Mr. Dhriti Das

...for the petitioner.

Mr. K.J. Yusuf, AGP
Mr. Sanjoy Mukherjee

...for the state.

Petitioner is aggrieved by the act and actions of the private respondents who have been trying to grab the property of the petitioners and illegally pursue the construction work. It is also contended that the private respondents are trying to throw away the petitioner from their rightful ownership of the property.

Petitioner has already approached the civil court by way of TS 106/22 and by an order dated 25.08.2023, an ad-interim injunction order earlier passed, was made absolute, wherein the respondents were restrained from carrying out any construction on the suit property.

Mr. Yusuf learned advocate appearing for the state has submitted a report. Report reflects that

earlier on the basis of the complaint of the petitioner, investigation in respect of Bagdah Police Station Case No. 175/2020 dated 17.03.2020 was registered for investigation and after completion of investigation, charge sheet was submitted before the jurisdictional court.

Having considered the fact that the petitioner is enjoying presently, both the outcome of an investigation in a criminal court and the order passed by the civil court in title suit no. 106/22, I direct that the police authorities would ensure that the civil court's order is respected and obeyed.

Petitioner, in the meantime, would approach under the relevant provisions of law before the jurisdictional civil court with appropriate prayers for police assistance, in case they are of the opinion that the order of the civil court has been violated.

In view of the petitioner and private respondents being at loggerhead, I direct that the Inspector-in-Charge, Bagda Police Station would consider the threat perception of the present petitioner and accordingly will take steps in view of the criminal case pending and the petitioner happens to be a vital witness in the case, as at his behest the criminal case has been instituted. To that effect, the

concerned Inspector-in-Charge would take assistance from the Witness Protection Scheme, 2018.

All efforts be taken to ensure that no breach of peace and tranquility takes place or no untoward incident, henceforth arise in view of the petitioner and the private respondents having bad blood.

With the aforesaid observations WPA 12842 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)