

**06.12.2024**  
Item No.360  
Ct. No.35  
dc.

**W.P.A. 15112 of 2023**

**Abid Hossain Mollah @ Mollya  
versus  
State of West Bengal & Ors.**

Mr. Nonigopal Chakraborty ... For the Petitioner.

Mr. Sk. Md. Galib,  
Ms. Jyotsna Roy Mukherjee ... For the State.

Mr. Sanjib Seth ... For the Respondent Nos.4 & 5.

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

So far as the prayer of the petitioner in respect of Sankrail Police Station Case No. 394/2023 is concerned, the petitioner is granted liberty to take up the points at the appropriate stage of the proceedings after charge-sheet is submitted before the jurisdictional court preferably at the stage of consideration of charges in view of the fact that the petitioner is canvassing on the issues relating to question of facts.

The second grievance of the petitioner is in relation to the construction which he has been raising in his own plot of land.

The learned advocate appearing for the respondent nos. 4 and 5 submits that such construction is in violation of the order passed by learned Civil Judge (Junior Division), 5<sup>th</sup> Court, Howrah in Title Suit No. 1534/2022.

The police authorities would assess whether the petitioner is raising construction in his own

land or is violating the order of the civil court. In case if all permissions have been granted to the petitioner for construction which he is raising, no interference be made.

However, it is made clear that if there has been violation of the order of the civil court, the police authorities would respect and obey the order of the civil court.

With the aforesaid observations, the writ petition being WPA 15112 of 2023 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.)**