

04.11.2024
Item No.25
Ct. No.35
dc.

W.P.A. 23189 of 2024

**Mousumi Ghosh & Ors.
versus
The State of West Bengal & Ors.**

Ms. Manali Biswas ... For the Petitioners.

Mr. Ashim Kumar Ganguly,
Mr. Bellal Shaikh ... For the State.

Mr. SM Samim Ullah,
Mr. Sakir Hossain,
Ms. Behestun Nesa ... For the Respondent Nos. 8 & 11.

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.

Learned advocate appearing for the petitioners draws the attention of the Court to the order passed on 13.07.2022 in T.S. No. 302 of 2022 wherein the learned Civil Judge (Junior Division), 2nd Court, Berhampore, Murshidabad was pleased to restrain the defendants from disturbing the peaceful possession of the plaintiffs on the suit property, from making construction of surrounding walls, from evicting the plaintiffs from the suit property till 12.08.2022. Learned advocate submits that the said interim order of injunction was extended from time to time and is existing till date.

A complaint was made with the police authorities at the behest of the present petitioners

which reflects that a separate story of encroachment at the behest of the private respondents. If there has been any violation of the order passed by the learned civil court, in that case the petitioners would be at liberty to approach the concerned court for implementing its order.

So far as the police authorities are concerned, the police authorities would ensure that there is no breach of peace and tranquility in the area so far as the issues relating to possession or encroachment is concerned.

Learned advocate appearing for the respondent nos. 8 and 11 opposes the contentions advanced on behalf of the petitioners.

Having considered the limited scope for which this Court has power to interfere in respect of parties who have already approached the civil court, I am of the view that the directions passed upon the police authorities would be restricted to the observations made above.

With the aforesaid observations, the writ petition being WPA 23189 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.)