

14.11.2024
Item No.31
Ct. No.35
dc.

W.P.A. 23570 of 2024

**Arshiara Begum & Anr.
versus
The State of West Bengal & Ors.**

Mr. Soumik Ganguli ... For the Petitioners.

Mr. Wasim Ahmed,
Mr. Shehabuddin ... For the State.

Ms. Malabika Roy Dey,
Mr. Uttiya Roy ... For the Respondent Nos. 9, 12 & 13.

Petitioners are aggrieved by the fact that in spite of an order passed in Title Suit No. 78 of 2024 by the learned Civil Judge (Sr. Divn.), 2nd Additional Court, Burdwan directing for not changing the nature, character and possession over the suit property, the private respondents have been continuing their illegal construction. Learned advocate for the petitioners prays for interference.

However, I find that since the civil court is in seisin of the matter, the petitioners would be at liberty to approach the jurisdictional civil court for appropriate orders for police protection. In case such a direction is passed by the civil court, the police authorities being the Officer-in-Charge, Burdwan Sadar Police Station would respect and obey the said order. In the meantime, the police would keep a strict vigil and ensure that no breach of peace and tranquility takes place at the locale arising out of the subject-matter of the suit between the petitioners and the private respondents.

Learned advocates for the State and the private respondent nos. 9, 12 and 13 are present.

As no affidavits have been called for, the accusations and/or allegations made against the respective respondents in the writ petition are deemed to be denied.

With the aforesaid observations, the writ petition being WPA 23570 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.)