

D/L54
05.11.2024
Bpg.
ct.no.35

W.P.A.24085 of 2024

**Smt. Archana Naskar & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Sandip Ghosh
Mr. Partha Sarkar.
...for the petitioners.

Mr. Wasim Ahmed
Md. Shehabuddin.
...for the State-respondents.

Affidavit-of-service so filed by the petitioner
be kept with the record.

Learned advocate appearing for the
petitioners has drawn the attention of the Court to
the order dated 07.08.2023 passed by the learned
Civil Judge (Senior Division), Diamond Harbour
wherein I/C., Raidighi Police Station was directed to
see that the order of injunction passed by the said
court is not violated by either of the parties.
According to the learned advocate for the petitioners,
the said order is still in force. However, the private
respondents, according to the petitioners, have
allegedly violated the court's order and have forcibly
obstructed the egress and ingress of the room on the
ground floor of eastern and room of the western side
of the first floor by dispossessing the petitioners.
According to the petitioners, as such, there has been

violation of the nature and character of the possession in respect of which the order of status quo has been passed by the learned Civil Judge.

Learned advocate for the State is present.

Learned advocate for the State would inform the Inspector-in-Charge, Raidighi Police Station to ensure that the order of the learned Civil Judge in respect of his directions passed on 07.08.2023 is obeyed (provided the same has not been modified by any higher forum). The Inspector-in-Charge, Raidighi Police Station would also ensure that if there has been a wrongful trespass or encroachment pursuant to the order passed by the civil court, appropriate action be taken by invoking the relevant provisions of law. In case the police remains inert, the petitioners would be at liberty to invoke the provisions of Section 175 (3) of the BNSS 2023 before the jurisdictional criminal court who will ensure that the civil court order is not to be only kept on record, but there must be flesh and blood attached to such orders.

With the aforesaid observations, WPA 24085 of 2024 is disposed of.

There will be no order as to costs.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)