

D/L 104
03.12.2024
Kausik
ct.no.35

W.P.A. 24768 of 2024

**Sk. Nurul Hoda & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Arun Shaw

...for the petitioners.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar

...for the respondent nos. 4, 6 & 7.

Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar

...for the state.

Petitioner is aggrieved by the fact that inspite of the order dated 05.02.2024 passed in Title Suit no. 162/2022 by the learned Civil Judge (Junior Division) 4th court, Burdwan, the private respondents have been carrying out their construction work.

Learned advocate for the state has submitted a report. Report reflects that police authorities have already registered a case being Bhatar Police Station Case No. 183/2024 dated 02.04.2024. The investigation of the said case is under process. Various proceedings under section 126/135(3) BNSS as well as under section 163 of the BNSS have been

drawn up by the police authorities as well as by the parties to the litigation.

Learned advocate for the private respondents submits that if there is any construction, the same is at a separate property and not at the property in respect of which the civil court order has been passed.

Both the parties denies and disputes each and others submission.

Be that as it may, this court directs that in case the civil court has passed an order, the police authorities will respect and obey such order. Police authorities will also keep a strict vigil and ensure that no breach of peace or any untoward incident takes place because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations WPA 24768 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 as well as the private respondents.

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

(Tirthankar Ghosh, J.)