

D/L 31
11.11.2024
Rohit/Aritra
ct.no.35

WPA 25900 of 2024

**Rabi Kumar Shaw & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Bidhayak Lahiri,
Ms. Bhaswati Lahiri,
Mr. Rinku Pachhal
...for the petitioner

Mr. Vimal Kr. Shahi, Ld. AGP,
Ms. Rupsha Chakraborty
....for the State

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra
....for the respondent No.5 & 6

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

Petitioner complains that the private
respondents and the police authorities has stopped
his repairing work. Records reflects that respondent
has also filed a civil suit.

I find from order dated 13/2/2024 the terms
of injunction which has been passed by the Civil
Judge (Junior Division), 2nd
Court, Barrackpore relating to Title Suit No.53 of
2024 is in respect of peaceful possession of plaintiff in
the suit property.

There is nothing before the Civil Court to
suggest that the petitioner claimed for repairing of the

property. Petitioner submits that he intends to repair the internal part of the property where he is staying.

Police report does not reflect regarding any obstruction being made at the behest of the private respondent.

In view of the aforesaid if the private respondent interfere, appropriate application be taken out before the Civil Court which is in seisin of the matter. The Civil Court will pass appropriate direction needless to state for internal repairing work no permission is required from any authority but if there are excesses or interference the petitioner would be at liberty to take out an appropriate application before the Court which is in seisin of the matter.

With the aforesaid observations, the writ petition being WPA 25900 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.)