

D/L 32
11.11.2024
Rohit/Aritra
ct.no.35

WPA 25908 of 2024

**Batakrishna @ Bata Krishna Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha
...for the petitioner

Mr. Wasim Ahmed,
Mr. Sk. Md. Masood
....for the State

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

Petitioner is aggrieved by the fact that the construction is proceeding in spite of the Civil Court passed order of injunction/status quo with regard to the possession, nature and character of the schedule suit property.

Learned advocate for the State submits a report. The report of the Officer-in-Charge, Keshpur Police Station reflects that on enquiry it was found that the disputed land is still lying vacant and no construction or any encroachment has been done by the private respondent over the disputed land. Learned Advocate for the petitioner disputes such contention.

Having considered the factual circumstances existing at the ground level and the Civil Court being in seisin of the matter, I grant liberty to the petitioner

to bring the factual discrepancy and/or representations of the officer-in-charge of the Keshpur police station made before this Court to the notice of the Civil Court.

The learned Civil Judge, Senior Division, 3rd Court, Paschim Medinipur would come to a finding regarding the dispute raised by the petitioner regarding violation of the order passed on July 30, 2024 . In case, there has been any violation or misrepresentation, the petitioner would be at liberty to approach this Court or take out appropriate application before the Civil Court.

Report submitted be kept with the record. A copy of the report has already been handed over the learned advocate appearing on behalf of the petitioner.

With the aforesaid observations, the writ petition being WPA 25908 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.)