

D/L18
07.11.2024
Bpg.
ct.no.35

W.P.A.26073 of 2024

**Habu @ Habib Ansary & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Swahar Jahan
Mr. Amit Bikram Mahata.
...for the petitioners.

Ms. Sonal Sinha
Ms. Ashmita Chakraborty.
...for the State-respondents.

Mr. Jayanta Mitra.
...for the respondent nos.7 to 11.

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

Petitioners are aggrieved by the fact that although the learned Civil Judge (Senior Division), Additional Court, Purulia has passed a specific order of injunction yet they are unable to enjoy their property and cannot cultivate as the private respondent nos.7 to 11 are creating obstruction and harassment. To that effect, petitioners informed the police authorities on 07.08.2024. However, the police authorities have not responded to the same.

Learned advocate appearing for the private respondent nos.7 to 11 opposes such contentions and submits since the civil court is in seisin of the matter,

the prayer so advanced before this Court are hardly maintainable.

Learned advocate for the State submits a report. Let such report be kept with the record. Report reflects that police has obeyed and has respected the order of the civil court passed in T.S. No.155 of 2020. It has also been submitted on behalf of the State that at relevant time whenever dispute arose between the parties, appropriate action has been taken and relevant proceedings has been drawn up under Section 126 of the BNSS.

In view of the police authorities taking steps, any further issue relating to the petitioners being harassed be brought to the notice of the civil court which is in seisin of the matter. The civil court will not hesitate to pass appropriate directions upon the police authorities who would respect and obey the same.

It is further directed that the Officer-in-Charge/Inspector-in-Charge of Kenda Police Station, Purulia would keep a strict vigil and ensure that no breach of peace and tranquility takes place at the locale and/or any untoward incident takes place at the behest of either of the parties.

With the aforesaid observations, WPA 26073 of 2024 is disposed of.

There will be no order as to costs.

Copy of the report be handed over to the petitioners and the private respondent nos.7 to 11.

As no affidavit has been filed, all allegations against the private respondent nos.7 to 11 and/or the State-respondents are deemed to be denied.

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.)