

11.11.2024
Item No.58
Ct. No.35
dc.

W.P.A. 26555 of 2024

Sk. Tahidur Rahaman
versus
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal),
Mr. Biswarup Chatterjee,
Mr. Santanu Mondal ... For the Petitioner.

Ms. Sonal Sinha,
Ms. Munmun Ganguly ... For the State.

Mr. Sk. Siddique Rahaman
 ... For the Respondent Nos. 7 & 8.

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

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved by the fact that in spite of the Civil Judge (Jr. Divn.), 3rd Court, Paschim Medinipur passing an order of injunction restraining his peaceful possession in T.S. No. 770/2022, but till date the private respondents are threatening him and are attempting to encroach his property.

Learned advocate appearing for the private respondent nos. 7 and 8 submits that they also instituted a civil suit being Title Suit No. 73/2021 wherein the Civil Judge (Sr. Div.), 3rd Court, Paschim Medinipur has been pleased to pass an ad interim injunction restraining the present

petitioner from disturbing the peaceful possession of the private respondents.

Both the parties are before the civil court. The learned District Judge, Paschim Medinipur is directed to see that T.S. No. 770/2022 pending before the Civil Judge (Jr. Divn.), 3rd Court, Paschim Medinipur and T.S. No. 73/2021 pending before the Civil Judge (Sr. Divn.), 3rd Court, Paschim Medinipur be tagged together.

In view of the fact that the petitioner and the private respondents are at loggerhead and since the police authorities have already taken steps under Section 126 of BNSS relating to the land dispute as is reflected from the report submitted on behalf of the State, I direct that the police authorities would continue to keep a strict vigil and ensure that no untoward incident takes place. The police authorities would obey and respect the civil court's order until and unless the same is varied by a higher forum.

With the aforesaid observations, the writ petition being WPA 26555 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.)