

13.11.2024
Item No.11
Ct. No.35
dc.

W.P.A. 26631 of 2024

**Nirapada Jodder & Anr.
versus
State of West Bengal & Ors.**

Mr. Samim Ahammed,
Ms. Gulsanwara Pervin ... For the Petitioners.

Mr. Ashim Kumar Ganguly,
Mr. Kaustav Bhattacharya ... For the State.

Ms. Susmita Saha Dutta,
Mr. Niladri Saha,
Ms. Madhurima Basu ... For the Respondent Nos. 5 & 6.

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

Learned advocate appearing for the petitioner
submits that learned Civil Judge (Sr. Divn.)(in-
charge), Basirhat in Title Suit No. 607 of 2023
directed the Officer-in-Charge, Hemnagar Coastal
Police Station to implement the injunction order
passed by the said court on 21.12.2023 so that
status quo is maintained in the suit property in
terms of the order of injunction and further directed
not to disturb the cultivation of both the parties as
per their respective possession. The petitioners are
aggrieved by the fact that the said order is not
being adhered to by the Officer-in-Charge,
Hemnagar Coastal Police Station.

Learned advocate appearing for the State
submits that the dispute between the parties are
civil in nature related to the rights in the property
concerned.

Learned advocate appearing for the private respondent nos. 5 and 6 submits that there are other remedies available to the petitioners and the jurisdiction of this Court under Article 226 of the Constitution of India may not be invoked. The contentions advanced by the petitioners are denied and disputed by the learned advocate for the private respondent nos. 5 and 6.

As a matter of public policy, the police authorities are bound to respect and obey the order passed by the civil court. There has been specific direction upon the Officer-in-Charge, Hemnagar Coastal Police Station. The grievance of the petitioners reflects that the order of the civil court has not been obeyed by the Officer-in-Charge, Hemnagar Coastal Police Station. I direct that the concerned police officer would act in terms of the order dated 20.02.2024 passed by the learned Civil Judge (Sr. Divn.), Basirhat, North 24-Parganas in Title Suit No. 607 of 2023 until and unless the same is varied and/or modified by any higher court.

With the aforesaid observations, the writ petition being WPA 26631 of 2024 is disposed of.

As affidavits have not been called upon from the State respondents and the private respondents, the allegations which have been made in the writ petition are deemed to be denied.

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.)