

D/L 9
20.11.2024
Kausik
ct.no.35

W.P.A. 26923 of 2024

**Himadri Sarkar
Versus
State of West Bengal & Ors.**

Mr. Partha Sarathi Mondal
Mr. Chiranjit Saha

...for the petitioner.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty

...for the respondent no. 8.

Mr. Md. Sarwar Jahan
Mr. Asif Mehdi

...for the respondent nos. 5 & 7.

Mr. Suman Ghosh
Mr. Siddhartha Ghosh

...for the state.

Petitioner submits that the learned Civil Judge (Junior Division), 2nd Court, Barasat, North 24-Parganas by its order dated 18.10.2023 was pleased to pass a direction restraining the defendants from disturbing the peaceful possession of the plaintiff in connection with title suit no. 1076 of 2023. According to the petitioner, thereafter he has complained to the police authorities but despite that there has been change of nature and character of the property. If the civil court's order has been violated, in that case,

petitioner would be at liberty to pray for appropriate police assistance from the civil court in seisin of the matter.

State has submitted a report. Report reflects that in order to keep strict vigil, proceedings have been drawn up under section 126 of BNSS.

Learned advocate for the respondent nos. 5 and 7 enters appearance and submits that they have rightfully acquired the property and they are contesting before the civil court.

Learned advocate for the respondent no. 8 submits he has been unnecessarily implicated as a respondent in the writ petition, although he has not been made a party in the civil suit.

In view of the observations made above, petitioner would make an application before the jurisdictional civil court in seisin of TS 1076 of 2023. The learned court will apply its discretion and if it feels fit and proper, pass necessary orders, if it is of the opinion that any order has been violated. In case such an order is passed, police authorities would respect and obey such order. No interference is made by this court in light of the observations made above.

With the aforesaid observations WPA 26293 of 2024 is disposed of.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)