

19.11.2024
Item No.26
Ct. No.35
dc.

W.P.A. 27232 of 2024

**Gopal Kumar Singh & Anr.
versus
State of West Bengal & Ors.**

Mr. Anit Dey,
Ms. Ritoma Paul ... For the Petitioners.

Ms. Sabnam De Bardhan,
Ms. Sangeeta Roy ... For the State.

Mr. Pappu Adhikari,
Mr. S. Halder ... For the Respondent Nos. 5 & 6.

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.

The petitioners are aggrieved by the fact that
in spite of the learned Civil Judge (Junior Division),
1st Court, Barrackpore having passed order in Title
Suit No. 146 of 2021 restraining the private
respondents from disturbing the peaceful
possession of the plaintiffs over the schedule
property, there has been changed circumstance
because the respondents have violated the order of
the civil court.

Learned advocate for the State has submitted
a report and also advanced her argument that the
disputes between the petitioners and the private
respondents are civil in nature and proceedings
have been drawn up under Section 126 of BNSS.

Learned advocate appearing for the private respondent nos. 5 and 6 submits that the case of the petitioners is on a distorted set of facts and the same has been instituted for changing the nature and character of the property.

I have considered the contentions advanced on behalf of the respective parties and I find that the civil court is obviously in seisin of the issues by way of Title Suit No. 146 of 2021. If the order of the civil court has been violated, the petitioners would be at liberty to approach the civil court for police assistance. In case there are directions passed by the civil court for police assistance, the police authorities would obey and respect the order passed by the civil court in its true purport and spirit.

For the time being, the police authorities would only keep a strict vigil and ensure that no breach of peace and tranquility takes place in respect of the subject property complained of in the writ petition.

With the aforesaid observations, the writ petition being WPA 27232 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.)