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26.11.2024
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ct.no.35

W.P.A.27513 of 2024

**Srinibas Giri
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya.
...for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal.
...for the State-respondents.

Mr. Triptimoy Talukder
Mr. Triptimoy Talukder
Mr. Diptomoy Talukder
Mr. Jyotirmoy Talukder
Ms. Archita Chel.
...for the respondent nos.10 to 14.

Petitioner is aggrieved by the fact that in spite of an order passed in Title Suit No. 415 of 2018 wherein it was specifically directed by the learned Civil Judge (Junior Division), 3rd Court, Baruipur that the defendants are restrained to disturb the peaceful occupation and possession of the plaintiff over the suit property in spite of informing the police authorities regarding the act and action of the private respondent nos.10 and 14, no steps have been taken by the police authorities.

Learned advocate for the State has submitted a report. Let the report be kept with the record.

Learned advocate for the private respondent nos.10 to 14 submits that the relationship between the petitioner and the private respondent no.10 to 14 are bargadars.

Having considered the fact that the civil court is already in seisin of the subject matter of dispute, I direct that the petitioner would be at liberty to approach the learned Civil Judge (Junior Division), 3rd Court, Baruipur who is already in seisin of the matter by way invoking the provisions of the Civil Procedure Code for police assistance in respect of implementing its order. In case such order of police assistance is passed by the learned civil court in Title Suit No.415 of 2018, the police authorities would respect and obey the said order of the civil court. In the meantime, police authorities would keep a strict vigil and would ensure that no breach of the peace takes place or any untoward incident stems out because of relationship existing between the parties.

With the aforesaid observations, WPA 27513 of 2024 is disposed of.

There will be no order as to costs.

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.)