

Sl.No.

9

03.12.2024

Court

No. 35

G.S.Das

WPA 28223 of 2024

Mojammel Hoque & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Shamim ul Bari

Mr. Atarul Hoque Molla

... for the petitioner(s)

Mr. Susovan Sengupta, Id. Sr. Adv.

Mr. Tarak Karan

... for the State-respondent(s)

Mr. Mahim Sasmal

Mr. Imdodul Hoque

... for the respondent no.5

The petitioners are aggrieved by the fact that in spite of the order dated 11.03.2022 passed in Title Suit No. 101 of 2020, wherein, the learned Civil Judge (Jr. Divn.), Chanchal, Malda directed that the defendant be restrained from disturbing the plaintiffs' peaceful possession or dispossess the plaintiffs from the suit property and forcefully enter the suit property and change the nature and character of the suit property till the

disposal of the suit.

In spite of the said order existing, the private respondents encroached the property of the petitioners and committed offences for which Harishchandrapur P.S. Case No. 362 of 2022 was registered for investigation under Sections 447/188/323/506/34 of the IPC.

The petitioners complain that in spite of the same, all sorts of disturbances are being created by the private respondents and they are being restrained from raising the construction.

Learned advocate appearing for the State has submitted a report. The report reflects that the police authorities have taken steps since the year 2022 and several 107 Cr.P.C. proceedings were drawn up, as well as G.D. Entries were recorded by the police authorities.

However, the petitioners now claim that they should not be restrained from raising the construction which is being obstructed by the private respondents.

Learned advocate for the private respondents disputes and denies the accusations levelled by the petitioners.

Since the civil court is already *in seisin* of the dispute and there is an order of injunction, the petitioners would make appropriate application before the learned Civil Judge under the relevant provisions of law for police assistance.

If any specific order is passed by the learned Civil Judge (Jr. Divn.), Chanchal, Malda, the police authorities will respect and obey such order.

In the meantime, strict vigil be kept and there should not be any breach of peace and tranquility in the locality as

also no untoward incident take place at the behest of either the petitioners or the private respondents.

With the aforesaid observations, WPA 28223 of 2024 is disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to the learned advocate for the petitioners.

Affidavit of service so filed be also kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

