

Sl.No.
29 29.11.2024
Court
No. 35
G.S.Das

WPA 28185 of 2024

Rampada Mondal & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Satadru Lahiri
Ms. Ankita Bose
... for the petitioner(s)

Mr. Vimal Kr. Shahi,Id. AGP
Ms. Pratiti Das
... for the State-respondent

Learned advocate for the
petitioners submits that in connection with
PS No. 155 of 2024, a *status quo* order
was passed by the learned Civil Judge
(Sr. Divn.), Lalbagh, Murshidabad on
23.02.2024.

Subsequently, on 07.06.2024, in
the same suit, the Officer-in-charge of
Jiaganj police station was directed to
conduct necessary enquiry and strictly
obey the earlier order dated 23.02.2024
passed by the same Court.

The petitioners have enclosed the information which was sent to the O/C Jiaganj police station on 31.07.2024 alleging that construction was in process and, in spite of informing the concerned police station, no action has been taken.

Mr. Shahi, learned Additional Government Pleader, submits that the police has taken effective steps pursuant to the order passed by the learned Civil Judge (Sr. Divn.), Lalbagh, Murshidabad and a number of proceedings have been drawn up either under Sections 107/116 of the Cr.P.C. and/or under Sections 126/135 of the BNSS.

According to the police report, necessary legal actions have been taken for maintaining peace and tranquility.

However, having considered the order dated 07.06.2024, I find that the learned Civil Judge had directed a

competent officer to assess regarding the correctness of the accusations made before him. If such report, till date, has not been submitted before the learned jurisdictional court, the Officer-in-charge of the concerned police station would be bound by the order passed by the learned Civil Judge (Sr. Divn.), Lalbagh, Murshidabad, by respecting and obeying such order.

In case, there is any violation of the said order and the petitioners are apprehensive that the Civil Court's order is still being violated, the petitioners would be at liberty to approach the superior officer of police, who would conduct an enquiry himself through his officer independent of any officer of Jiaganj P.S. and take necessary steps for respecting the order passed by the learned Civil Judge (Sr. Divn.), Lalbagh, Murshidabad.

With the aforesaid observations,
WPA 28185 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 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.)