

D/L20
09.12.2024
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ct.no.35

W.P.A.28884 of 2024

**Nirupama Banerjee
Versus
The State of West Bengal & Ors.**

Ms. Pampa Dey Dhabal
Ms. Sangita Banerjee.
...for the petitioner.

Mr. Pantu Deb Roy
Mr. Panna Lal Bandyopadhyay.
...for the State-respondents.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that in spite of the order passed by the learned Civil Judge (Junior Division), 6th Court, Alipore, thereby restraining the defendants from encroaching the suit property and disturbing the possession of the present petitioner, the private respondents are still pursuing with illegal activity. Petitioner has already preferred an application under Section 151 of the Code of Civil Procedure which is pending before the same court.

Learned advocate appearing for the State has submitted a report. Report reflects that proceedings have been drawn up under Section 126 of the BNSS by Maheshtala Police Station.

Be that as it may, if the application under Section 151 of the Code of Civil Procedure which is pending with prayers for police assistance and police protection is still pending, the learned Civil Judge would dispose of the same by 31st January, 2025.

It is made clear in case the learned Civil Judge comes to a finding that the circumstances warrant police assistance or police protection for implementing its order, then the said court will not deter from passing such direction upon the police authorities. If such a direction is passed, the police authorities would respect, obey and abide by the order passed by the learned Civil Judge (Junior Division) 6th Court, Alipore. In the meantime, the police authorities would keep a strict vigil and would ensure that no breach of the peace takes place and/or any untoward incident crops up because of the inimical relationship between the parties.

With the aforesaid observations, WPA 28884 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)