

D/L19
16.12.2024
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ct.no.35

W.P.A.29279 of 2024

**Sri Keshab Baidya
Versus
The State of West Bengal & Ors.**

Mr. Biswarup Biswas
Mr. Md. Mojnu Sk.
...for the petitioner.

Mr. Asish Kumar Guha
Mr. Benazir Ahmed.
...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 an order being passed in T.S. No.365 of 2024
by the learned Civil Judge (Junior Division), 4th
Court, Howrah directing the defendants and their
men and agents from being restrained in respect of
their peaceful possession in the schedule suit
property and not to make any construction on the
common passage infringing the easementary right of
the plaintiff. The private respondents are pursuing
their illegally activity in violation of the order of the
learned civil court.

State has submitted a report which reflects
that proceeding under Section 107 of the Code of

Criminal Procedure was drawn immediately on receipt of the information on March 4, 2024.

Be that as it may, I find that the injunction order passed by the learned civil court and the information which was sent to the police authorities were prior to the said stage.

Having considered that the nature of the order which was passed on 19th March, 2024 was informed to the police authorities in the month of November, 2024, I direct the police authorities to ensure that the order of the learned civil court is respected and obeyed. Petitioner would also be at liberty to approach the same learned civil court for police assistance and police protection, in case civil court passes any order, the police authorities would be bound by the order passed by the learned civil court.

In view of the petitioner and the private respondents being at loggerhead, police authorities would keep a strict vigil and ensure that no breach of the peace or any untoward incident results because of the present relationship existing between the parties.

With the aforesaid observations, WPA 29279 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.)