

13.12.2024
Ct. No. 35
Sl. No.18
BP/AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 29349 of 2024

**Abdul Rafik Molla @ Rafik Molla
-versus-
The State of West Bengal & Ors.**

**Ms. Papiya Chattopadhyay.
...For the Petitioner.**

**Mr. Suman Ghosh.
Mr. Sankha Proasad Roy.
... For the State.**

**Mr. Parichay Pathak.
... For the respondent no. 6.**

Affidavit-of-service filed today be kept with the records.

The petitioner is aggrieved by the fact that in spite of an injunction order being passed by the jurisdictional Civil Court in T.S. 32 of 2022, the private respondent no. 6 has been violating in the said order.

Information submitted to the police authorities did not yield any result as such the petitioner has approached this Court.

Learned advocate appearing for the State submits that an enquiry was conducted subsequently when it was found that no further construction work is going on in the subject matter of the suit property referred to in the writ petition.

However, in order to maintain peace and tranquility, proceedings under Section 126 BNSS has been drawn up.

So far as the information which has been submitted by the wife of the present petitioner, namely, one Toslima Bibi, G.D. entries have been recorded.

As already a petition under Section 151 of C.P.C. is pending before the jurisdictional Civil Judge (Senior Division), 6th Court, Alipore in T.S. 32 of 2022, I direct that in case a direction is passed by the jurisdictional Civil Court upon the police authorities, police Authorities would respect and obey the order of the Civil Court and ensure that the same is implemented.

If petitioner is aggrieved by the other accusations which have been made regarding the threat perception which is pending, the petitioner and his family members particularly with regard to the accusations that they have been abused with filthy languages and also in respect of their life including the minor child of one of his associates, I direct the petitioner to approach the jurisdictional Criminal Court under the relevant provisions of law. The jurisdictional Criminal Court will assess regarding the validity of the allegations and pass necessary orders in accordance with law.

In the meantime, as the police authorities have already been keeping a strict vigil, the police authorities

would ensure that no untoward incident results because of the inimical relationship between the petitioner and the respondent no. 6 or his associates.

With the above observations, WPA 29349 of 2024 is disposed of.

There shall be no order as to costs.

Report so submitted be kept with the records.

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

All concerned parties shall act on the server copy of this order duly downloaded from the official website of this court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Tirthankar Ghosh, J.)