

Sl.No.
I-2 17.12.2024
Court
No. 35
G.S.Das

WPA 29400 of 2024

Abdul Rahim
-Vs-
The State of West Bengal & Ors.
With

WPA 29159 of 2024
With
CAN 1 of 2024
(CAN not in the File)

Md Shahnawaz
-vs-
The State of WB & Ors.

Mr. Saptangshu Basu
Ms. Samita Shaw
Ms. Shaila Afrin
Mr. Rafat Jahan
 ... for the petitioner(s) in WPA 29400/24
 & private respondent in WPA 29159/2024

Mr. Amitesh Banerjee, Id. Sr. St. Counsel
Mr. Akash Dutta
 ... for the State in WPA 29400 of 2024

Mr. Abhratosh Mukherjee, Id. Sr. Adv.
Mr. Satadru Lahiri
 ... for the respondent nos.5-7 in WPA 29159/24

Mr. Suman Ghosh
Mr. Sankha Prasad Roy
 ... for the State in WPA 29159 of 2024

Mr. Samim Ahammed
Ms. A. Khatun
Mr. Nasirul Haque
 ... for the respondent no.8 in WPA 29400/24
 For the petitioner in WPA 29159 of 2024

Reports submitted on behalf of the State in both the writ petitions be kept with the record.

In view of the nature of the reports, I am inclined to recall the order dated 09.12.2024 passed in WPA 29159 of 2024, as it has been submitted on behalf of the petitioner in WPA 29400 of 2024 that under the garb of this order, whole of the premises has been occupied by the petitioner and/or his associates.

Mr. Lahiri, learned advocate, appearing on behalf of the respondent nos. 5, 6 and 7 submits that the facts narrated and submitted by Mr. Basu, learned Senior Advocate appearing on behalf of the petitioner in WPA 29400 of 2024 is without any foundation, as some portion is under the control of respondent nos. 5, 6 and 7 in WPA 29400 of 2024.

Learned advocate also submits that

a partition suit is pending wherein necessary order(s) of injunction has been passed by the learned Civil Court.

So far as WPA 29159 of 2024 is concerned, I find that earlier in T.S. No. 1866 of 2024, the learned Judge, Bench-IX, City Civil Court, Calcutta has passed directions on 02.12.2024 that the petitioner/Md. Shahnawaz is granted liberty to file an appropriate application before the said Court.

The learned Court, if it deems fit and proper, would accordingly issue directions for police assistance and/or police protection for implementation of its own order after assessing the violations, if any.

Since the order dated 09.12.24 is recalled, the police authorities would ensure that the original status of the parties as it was reflected in the report

submitted before this court on 09.12.2024 should be restored.

Accordingly, I direct that the learned Judge, Bench-IX, City Civil Court, Calcutta will take endeavour to dispose of any application filed on behalf of the petitioner/Md. Shahnawaz in the suit which is pending before him preferably on 23rd of December, 2024, when the date is already fixed before the said Court.

The parties would be at liberty to canvass all the issues in T.S. No. 1998 of 2024 before the learned Judge, Bench-IX, City Civil Court, Calcutta.

With the aforesaid observations, WPA 29400 of 2024 along with WPA 29159 of 2024 & CAN 1 of 2024 is disposed of.

Learned advocate for the State is directed to hand over all the reports

which have been filed in both the writ petitions to Mr. Ahamed, learned advocate appearing on behalf for the petitioner in WPA 29159 of 2024.

Liberty is granted to the petitioner in WPA 29159 of 2024 to canvass all the issues by way of filing an application.

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.)