

20.12.2024

Item No.20

Ct. No.35

dc.

W.P.A. 29678 of 2024

**Md. Mouzamel Haque Laskar
@ Mozamel Laskar & Ors.
versus
The State of West Bengal & Ors.**

Mr. Rajib Kumar Basu ... For the Petitioners.

Mr. Sandipan Maity,
Mr. S. K. Akhan ... For the Respondent Nos.4, 5 & 6.

The petitioners complain that they have already filed a civil suit before the learned Civil Judge (Sr. Division), 1st Court, Baruipur being Title Suit NO. 505 of 2024. In spite of the same pending before the civil court and an order of injunction having been passed, the private respondents are physically assaulting and disturbing the petitioners in respect of peaceful enjoyment of the property and also threatening of dire consequences.

None appears for the State-respondents.

Learned advocate appearing for the private respondent nos. 4, 5 and 6 denies and disputes all the accusations made in the writ petition as also submits that the said respondents are also in possession of the property.

Be that as it may, *prima facie* it reflects that both the parties are at loggerhead and a strained relationship is existing between the parties. So far as the issue relating to injunction order is concerned, the petitioner would approach the jurisdictional civil court which is already in seisin

of the matter by taking out appropriate application for police assistance and/or for police protection. If such application is preferred, the same should be disposed of at the earliest by the learned Civil Judge.

In case the learned Civil Judge (Sr. Division), 1st Court, Baruipur is of the opinion that police assistance and/or police protection is to be rendered, then in such case, the police authorities would abide by the order passed by the learned civil court in its true spirit and tenor.

So far as the issue relating to disturbance, physical assault and threats are concerned, the police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and no untoward incident results because of the existing strained relationship between the parties.

With the aforesaid observations, the writ petition being WPA 29678 of 2024 is disposed of.

As no affidavits have been called for, the accusations made against the private respondents and/or the State-respondents are deemed not to have been admitted.

There will be no order as to costs.

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

Urgent photostat certified copy of this order,
if applied for, be supplied to the parties upon
compliance with all requisite formalities.

(Tirthankar Ghosh, J.)