

M/L 417
09.12.2024
Kausik
ct.no.35

W.P.A. 28850 of 2023

**Badal Naskar & Ors.
Versus
State of West Bengal & Ors.**

Mr. Saumen Gayen
Mr. Sandipan Maity

...for the petitioners.

Mr. Dilip Kr. Shyannal
Mr. Gourab Ghosh

...for the respondent nos. 5 to 7.

Mr. Amitesh Banerjee, Sr. St. Counsel
Mr. Suddhadev Adak

...for the state.

Affidavit of service so filed be kept with the record.

Petitioner complains that inspite of order passed by the learned Civil Judge (Junior Division), 3rd Court, Baruipur in TS 666/2021 wherein the private respondents were restrained for not disturbing the peaceful possession of the petitioners, the said order has been violated at the behest of the private respondents and inspite of informing the police authorities, no action has been taken.

Learned advocate for the state submits that there has been a long standing civil dispute between the petitioner and the private respondents.

Learned advocate for the private respondents disputes the accusations made in the writ petition as well as the submissions advanced on behalf of the petitioner.

Records reflect last of the information which was submitted with the Inspector-in-Charge, Kultali Police Station is dated 24.11.2021. More than one year has passed since then.

In view of the aforesaid lapse of time, I direct that in case the petitioners approached the civil court with appropriate applications for police assistance and police protection and the civil court decide to pass any orders or directions upon the police authorities, the police authorities would obey and respect such order of implementation so passed by the civil court.

In the meantime, there should be a strict vigil and the police authorities would ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident crops up because of the inimical relationship between the petitioners and the private respondents.

With the aforesaid observations WPA 28850 of 2023 is disposed of.

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

(Tirthankar Ghosh, J.)