

**31.01.2025**  
Item No.58  
Ct. No.35  
dc.

**W.P.A. 746 of 2025**

**Nilkamal Bhunia  
versus  
The State of West Bengal & Ors.**

Mr. Himadri Barua,  
Mr. Biswajit Das ... For the Petitioner.

Mr. Jayanta Samanta,  
Ms. Paromita Malakar Dutta ... For the State.

Mr. Krishan Ray,  
Mr. Anindya Chowdhury,  
Mr. Sekhar Mukherjee  
... For the Respondent Nos. 4, 5 & 6.

Mr. Gopal Chandra Ghosh, Sr. Adv.,  
Mr. Rajkrishna Mondal  
... For the Respondent Nos. 7, 8 & 9.

Affidavit-of-service filed in Court today be  
kept with the record.

Report submitted by the learned advocate  
appearing for the State be also kept with the record.  
A copy of the report be handed over to the learned  
advocate appearing for the petitioner.

Learned advocate appearing for the petitioner  
submits that the petitioner approached the civil  
court and in title suit being T.S. No. 316 of 2024,  
the learned Civil Judge (Jr. Divn.), 1<sup>st</sup> Court,  
Paschim Medinipur has passed a direction for  
restraining the defendants from dispossessing the  
petitioner herein and also be restrained from  
encroaching or changing the nature and character  
of the suit property. In spite of that, the petitioner  
alleges that the private respondents are  
encroaching upon the property of the petitioner. To

that effect, information has been furnished to the police authorities, but the police authorities have not acted.

Learned advocates appearing for the private respondent nos. 4, 5 and 6 and respondent nos. 7, 8 and 9 dispute the contentions advanced on behalf of the petitioner so far as the title of the property is concerned and they also claim regarding the ownership of the property.

State has submitted a report which reflects that pursuant to receipt of the complaint, the police authorities have already registered a case being Kharagpur Local Police Station Case No. 580/2024 dated 16.07.2024.

Be that as it may, in case the petitioner is of the opinion that the order of the civil court has not been implemented, then the petitioner is supposed to prefer an application under Section 151 of the Code of Civil Procedure or under Order 39 Rule 2 of the Code of Civil Procedure. If a specific direction is passed by the learned civil court, the police authorities would respect, obey and implement such order.

Since the parties are at loggerhead, the police authorities would keep a strict vigil and ensure that no breach of the peace or tranquility takes place and/or any untoward incident results because of

the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 746 of 2025 is disposed of.

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.)**