

D/L 88
11.02.2025
Kausik
ct.no.35

W.P.A. 2228 of 2025

**Hiren Kumar Ray
Versus
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri
Ms. Mallika Manna
Ms. Gopa Mainan

...for the petitioner.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Raju Bhattacharyya

...for the respondent no. 7.

Mr. Ansar Mandal
Mr. Tanweer J. Mandal

...for the state.

Petitioner is aggrieved by the fact that the respondent no. 7 with the aid of local antisocial are forcefully trying to encroach the petitioner's property. To that effect, police authorities have been informed and in spite of direction passed by the civil court, the respondent no. 7 is violating the order.

Learned senior advocate appearing for the respondent no. 7 submits that hardly there is any dispute and since the civil court is in seisin of the issues, the respondent no. 7 has never violated the order passed by the learned Civil Judge, Junior Division, Additional Court, Raiganj in TS No. 108/2023.

Learned advocate for the State has submitted a report. Report reflects that since there is a dispute, proceedings under section 126 BNSS have been drawn up for maintaining peace and tranquility.

Be that as it may, since the civil court is already in seisin of the issues of dispute between the petitioner and the respondent no. 7 and the information furnished with the Inspector-in-Charge, Hemtabad Police Station dated 05.01.2024 speaks of violation of the injunction order, I am of the opinion that the petitioner would be at liberty to approach the civil court already in seisin of TS No. 108 of 2023 for appropriate directions in terms of Order 39 Rule 2A of C.P.C.

With the aforesaid observations WPA 2228 of 2025 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)