

D/L 18
17.02.2025
Bpg.
ct.no.35

W.P.A.2566 of 2025

**Obaidulla Baidya
Versus
The State of West Bengal & Ors.**

Mr. Saumen Gayen
Mr. Sandipan Maity.
...for the petitioner.

Mr. K.J. Yusuf
Ms. Munmun Ganguly.
...for the State-respondents.

Mr. Chandra Nath Sarkar.
...for the respondent nos.6 to 11.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that in
spite of civil court having passed ad interim order of
injunction in T.S. No.55 of 2024, the private
respondents are interfering and disturbing with the
peaceful possession of the property of the petitioner.
To that effect, the petitioner has been subjected to
assault and injuries. Complaint has been forwarded
to the local police station and in spite of the same, the
police authorities have not promptly taken action
knowing fully well that the civil court has passed an
ad interim order of injunction in the nature of status
quo.

Learned advocate for the State has submitted a report. Report reflects that on receipt of complaint, Bakultala Police Station Case No.574 of 2024 dated 19.12.2024 was registered for investigation and subsequently on completion of investigation, charge-sheet has been submitted against Saheb Ali Khan and others. It has also been submitted that on 10.01.2025 there was another information furnished with the local police station. The police authorities have drawn up proceedings under Section 126 of BNSS.

Learned advocate for the private respondent nos.6 to 11 is present and submits that the civil court is already in seisin of the issue and in spite of the same, the petitioner is unnecessarily informing the police station with distorted set of facts for establishing his authority without having any specific order from the civil court. It has also been submitted that the deed which is the genesis of the dispute is also a subject matter of challenge before the civil court.

In view of the nature of the dispute and difference between the petitioner and the private respondents and that there being a status quo order, if the petitioner applies before the civil court already in seisin of the issues for specific directions upon the police authorities for rendering their assistance and a

direction is passed, police authorities would then respect, obey and implement the order of the civil court.

So far as the present situation is concerned, police authorities would ensure that there is no breach of the peace and/or tranquility and no untoward incident further results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 2566 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

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

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

(Tirthankar Ghosh, J.)