

D/L 91
24.02.2025
Kausik
ct.no.35

W.P.A. 3437 of 2025

**Mohibul Molla
Versus
The State of West Bengal & Ors.**

Mr. Sachit Talukdar
Mr. Iqbal Kabir
Mr. Abhishek Kabir
...for the petitioner.

Mr. Pradip Kumar Kundu
Mr. Kingsuk Mondal
...for the respondent no. 4.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud
...for the state.

Petitioner is aggrieved by the fact that in spite of directions passed in TS 2113 of 2024, the private respondents have violated the same and thrown away the petitioner and forcefully occupied the grocery shop of the petitioner.

Petitioner submits that there was a specific order passed on 18.12.2024 in the aforesaid suit wherein the learned Civil Judge (Jr. Division), 1st Additional Court, Alipore specifically directed the defendant and his men and agents to be restrained.

The said interim order was extended, but in the meantime, the private respondents flexed their muscles and took possession of the grocery shop

concerned, thereby violating the order of the civil court.

Learned advocate for the State has submitted a report which reflects that on 18.01.2025 Nodakhali PS Case No. 30/2025 dated 18.01.2025 has been registered for investigation by the police authorities and necessary steps have been taken.

Learned advocate for the private respondents submit that since on the selfsame cause of action petitioner has approached the civil court, the present writ petition should not be entertained with the same consequences as of the civil court's order.

I have considered the submissions of the respective parties and as it has been informed that the application under section 151 of the CPC is pending before the learned Civil Judge in respect of rendering police assistance for violation of the order passed by the civil court. I am of the view that if the civil court directs the police authorities to act in a particular manner thereby rendering police assistance, in that case, the police authorities would respect, obey and implement the order of the civil court.

In the meantime, police authorities would ensure there is no breach of the peace and/or tranquility at the area complained of.

With the aforesaid observations WPA 3437 of 2025 is disposed of.

Report so submitted be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)