

D/L 201
26.02.2025
Kausik
ct.no.35

W.P.A. 3444 of 2025

**Hemanta Mukherjee
Versus
State of West Bengal & Ors.**

Mr. Sanjib Seth

...for the petitioner.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh

...for the respondent nos. 4 & 5.

Mr. Rajarshi Basu
Mr. Ananda Dulal Sarkar

...for the state.

Petitioner complains that in spite of learned Civil Judge (Jr. Division), 3rd Court, Howrah having passed orders on 20.01.2025 in title suit no. 87 of 2025 thereby directing the parties to maintain status quo with regard to the nature, character and possession of the scheduled property mentioned in the plaint according to the petitioner, the private respondents have been carrying out illegal construction upon encroaching the land of the petitioner. Petitioner informed the incident to the local police station. However, the police authorities refused to act on the same.

Learned advocate appearing for the private respondents denies the contentions advanced by the petitioner and submits that a previous construction was demolished and no construction has been raised on the said land.

Petitioner further claims that they have been granted sanctioned plan by the authorities concerned.

State has submitted a report through the Officer-in-charge of Howrah Police Station. Report reflects that an enquiry was conducted but as original documents were not produced in support of the allegations, police authorities could not act.

Petitioner if so advised will approach the civil court which is already in seisin of the matter for specific directions upon the police authorities with regard to rendering assistance. In case directions are passed, police authorities would respect, obey and implement the order passed by the civil court.

For the time being, the police authorities will 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 parties.

With the aforesaid observations WPA 3444 of 2025 is disposed of.

Report so submitted 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.

(Tirthankar Ghosh, J.)