

16.07.2025
Item No.778
Ct. No.35
dc.

W.P.A. 3917 of 2024

**Gafur Pathan & Anr.
versus
The State of West Bengal & Ors.**

Mr. Sukanta Das ... For the Petitioners.

Ms. Sonal Sinha,
Mr. Avishek Prasad ... For the State.

Report submitted by the learned advocate appearing for the State be kept with the record.

The petitioners are aggrieved by the fact that although order of injunction was passed in T.S. No. 390 of 2022 and subsequently learned Civil Judge (Senior Division), 3rd Court, Paschim Medinipur in the same suit directed the Officer-in-Charge, Garhbeta Police Station to ensure that order dated 25.07.2022 should be implemented. The grievance of the petitioners remain that the police authorities did not act as per direction of the learned Civil Judge.

In view of the civil court already in seisin of the issue and the report submitted on behalf of the State reflects that police authorities registered a specific case being Garhbeta Police Station Case No. 722 of 2022 dated 26.11.2022 against the accused persons and subsequently charge-sheet was also submitted against seven FIR named accused persons, I am of the view that the police authorities had taken steps.

So far as the angle of violation in respect of the subject-matter of the suit property is concerned, petitioners would be at liberty to approach the jurisdictional civil court already in seisin of the issue for breach and violation of the order passed against the individuals who have violated such order.

Since the report reflects that at the relevant point of time proceedings under Section 107 of the Code of Criminal Procedure was drawn, I am of the view that the police authorities are well aware regarding the ground reality. As such, if situation so demands, police authorities would continue their surveillance and ensure that no untoward incident results.

With the aforesaid observations, the writ petition being WPA 3917 of 2024 is disposed of.

Pending connected application, if any, is consequently 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.)