

Sl.No. 12.03.2025
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Court
No. 35
G.S.Das

WPA 4234 of 2025

Uttam Kumar Shil & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Timir Baran Saha
... for the Petitioner(s)

Mr. Vimal Kumar Shahi, Id. AGP
Ms. Pratiti Das
... for the State-respondent(s)

Ms. Monali Biswas
... for the private respondent No. 8

The petitioners claim that there have been unnecessary disturbances and interference committed by the private respondent(s) in respect of peaceful enjoyment of their property particularly with regard to plantation of trees and the same is in spite of an injunction order being passed by the learned Civil Judge (Jr. Divn.), 1st Court, Berhampore, Murshidabad in T.S. 349 of 2024.

State has submitted a report which reflects that the police authorities have already drawn up a proceeding

under Section 126 of the BNSS.

It has also been contended that the next date of hearing before the learned civil court is on 07.04.2025.

Learned advocate for the private respondent no.8 submits that the nature of the dispute complained of is a civil dispute and the civil court is already *in seisin* of the matter. As such, if the petitioners are aggrieved by any violation of the said order, the petitioners, if so advised, would approach the jurisdictional court with proper prayers.

I have considered the submissions of the respective parties and on an assessment of the same, I am of the view that if the petitioners approach the learned civil court with a prayer for a direction upon the police authorities and the learned civil court is pleased to pass necessary direction(s), the police authorities would respect, obey and implement such

order.

In the meantime, the police authorities would ensure that there is no breach of the peace and tranquility taking place as also no untoward incident crops up because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 4234 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocate for the petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

