

10.03.2025
Court No. 35

Item No.12
Rakib

W.P.A. 4286 of 2025

Dipankar Dey & Anr.
VS
The State of West Bengal & Ors.

Mr. Amitabha Ghosh,
Mr. Madan Mohan Roy,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar.

... for the Petitioners.

Mr. Kallol Kumar Basu,
Ms. Md. Jannat Ul Firdous.

...for the respondent nos.7 & 8.

Mr. Amal Kr. Sen, Ld. AGP.,
Mr. Lal Mohan Basu.

... for the State.

Affidavit of service filed by the petitioners be kept
with the record.

Petitioners are aggrieved by the fact that the
private respondents are interfering and destroying the
goods which are in the shop of the petitioners and to that
effect inspite of reporting to the police authorities no
action has been taken.

Learned advocate appearing for the respondent
nos. 7 & 8 submits that the demolition work has already
been completed.

State has submitted a report of the Inspector-in-
Charge of Basirhat Police Station which reflects that the
demolition of the building was started on 09.02.2025
according to the order passed by the learned Civil Judge
(Senior Division), 1st Court, Basirhat, North 24 Parganas
in T.S. 511 of 2024 vide order no.7 dated 05.02.2024 in
presence of learned Advocate Commissioner appointed by

the learned Civil Judge (Senior Division), Basirhat. No application was received from the end of the petitioners for the police authorities to interfere.

Considering that the Civil Court is already in siesin of the issue concerned and if the petitioners are aggrieved by the order of the Civil Court it would be for the petitioners to approach the Superior Courts adjudicating on issues relating to orders passed by the learned Civil Judge (Senior Division), Basirhat to deal with the same. This Court under Article 226 of the Constitution of India is never empowered to decide on such issue.

Accordingly with the observations made above WPA 4286 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

A copy of the report be handed over to learned advocate appearing for the petitioners.

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.)