

Sl.No. 25.03.2025
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Court
No. 35
G.S.Das

WPA 4866 of 2025

Karttik Naskar
-Vs-
The State of West Bengal & Ors.

Mr. Sounak Bhattacharyya
Mr. Sounak Mandal
... for the Petitioner(s)

Mr. K. J. Yusuf, Id. AGP
Mr. Parikshit Goswami
... for the State-respondent(s)

Mr. Sabyasachi Chatterjee
Mr. Dipankar Das
... for the private respondent(s)

The petitioner is aggrieved by the fact that in spite of directions passed by the learned Civil Court in T.S. 31 of 2017 upon the Officer-in-charge of Magrahat Police Station, the private respondents are pursuing with their illegal constructions.

In fact, the petitioner, earlier, approached this Court and a Co-ordinate Bench of this Hon'ble Court in WPA 21471 of 2023 was pleased to direct the Gram Panchayat to cause a spot

inspection to ascertain the nature and extent of the unauthorized construction.

Learned advocate for the petitioner further submits that in spite of such directions, the private respondents have stacked the materials and are raising new construction.

Mr. Chatterjee, learned advocate, appears for the private respondents and submits that no construction is being raised and/or carried out by the private respondents and, they are ready and willing to abide by the directions/orders passed by the learned civil court.

Mr. Yusuf, learned advocate for the State, earlier filed a representation. Today, he submits that service has been effected upon the private respondents.

However, the presence of Mr. Chatterjee itself supports such contention.

Having considered that the learned Civil Court is already *in seisin* of the

issues and, as contended by the petitioner that the order of the learned civil court is being violated by the private respondent nos. 4 to 7, I direct the Officer-in-charge of Magrahat Police Station to submit a report regarding the fresh construction, if any, which is the allegation of the present petitioner, to the learned Civil Judge (Sr. Division), Diamond Harbour.

The Civil Judge (Sr. Division), Diamond Harbour on an assessment of the report so submitted would, after giving notice to the parties, pass necessary orders as to whether there has been any violation of the order so far as the construction is concerned. The concerned Court will not deter from any order of demolition to be implemented, in case there has been any violation of the learned Civil Court's order.

Additionally, it is directed that the police authorities would ensure that the learned Civil Court's order is respected,

obeyed and implemented.

The report submitted earlier reflects that the police authorities have ensured that there is no breach of the peace and/or tranquility. They would continue with their surveillance as contended in their earlier report.

With the aforesaid observations, WPA 4866 of 2025 is disposed of.

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

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.)

