

D/L 14
24.03.2025
Kausik
ct.no.35

W.P.A. 5381 of 2025

**Tahura Khatun
Versus
State of West Bengal & Ors.**

Mr. Debabrata Sardar
...for the petitioner.

Mr. Kushal Chatterjee
Mr. Iftekar Munshi

...for the private respondent
nos. 5 to 10 & 12 to 16.

Mr. Rajarshi Basu
Mr. Subhendu Sengupta

...for the state.

Petitioner alleges that there has been demolition of building pillars at the behest of the private respondents and the same is in spite of earlier order passed by the High Court in WPA 1822 of 2025.

I do not find there is any direction in the order passed in WPA 1822 of 2025 in respect of allowing any construction or demolition of any construction. The only direction which was passed is as follows :-

“In view of the Civil Court in seisin of the issue, there is no scope for the police authorities to interfere in respect of the orders passed by the Civil Court. The report also

reflects that the next date is fixed on 5th June, 2025 and the status quo order is subsisting till the said date.

If the petitioners are aggrieved, they would prefer an appropriate application before the said Civil Court or its Appellate Forum for necessary direction for the police authorities to act. In the meantime, I direct that police would keep a strict vigil and surveillance as the parties are in an inimical relationship. The police would ensure that no breach of peace and tranquility takes place.”

State has submitted a report and drawn the attention of the relevant part of the report which reflects that the civil court has fixed 05.06.2025 for Commissioner’s report.

Learned advocate for the private respondents submits that there has been no change of circumstances subsequent to the earlier order passed on 31.01.2025 in WPA 1822 of 2025. I do not find that there is any necessity for interfering with the present writ petition. The remedies sought for by the petitioner would in the fitness of circumstances be availed of before the civil court which is already in seisin of the dispute.

Accordingly, WPA 5381 of 2025 is disposed of.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)