

D/L 22
25.03.2025
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ct.no.35

W.P.A.5630 of 2025

**Dudh Kumar Mondal
Versus
State of West Bengal & Ors.**

Mr. Duke Banerjee.
...for the petitioner.

Mr. Somnath Ganguli
Ms.Sangeeta Roy.
...for the State-respondents.

Mr. Pritam Chowdhury
Mr. M. Nazar Chowdhury.
...for the respondent no.5.

Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh.
...for the respondent no.6.

Till the order dated 01.03.2024 passed by the learned Civil Judge (Senior Division), 1st Court, Baruipur in Title Appeal No.18 of 2019 is not altered, the SDPO, Baruipur will ensure that no construction work proceeds in violation of the order passed by the learned Civil Judge (Senior Division), 1st Court, Baruipur. If the respondent no.6 intends to raise any construction he would approach the jurisdictional civil court in seisin of Title Appeal No.18 of 2019, he may be deemed to be added as a party. Since an earlier case has been registered being Sonarpur Police Station Case No.518 of 2024 and charge-sheet has been submitted against the respondent no.6 and

three others, prima facie, there is a violation existing. The provisions of Section 188 IPC itself reflect that there has been a violation of the court's order.

Accordingly, the SDPO, Baruipur would keep a round o'clock watch through his authorized officer as to whether any further construction is proceeding in violation of the civil court's order. The learned Civil Judge (Senior Division), 1st Court, Baruipur would in case any allegation relating to further construction being progressed is made by any of the parties to the suit find substance he will appoint an advocate commissioner who would submit a report and accordingly he will pass necessary orders upon the SDPO, Baruipur who would ensure that without further directions of the civil court, no further illegality relating to construction proceeds.

With the aforesaid observations, WPA 5630 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)