

D/L 27
26.03.2025
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ct.no.35

W.P.A.5973 of 2025

**Apurba Das
Versus
The State of West Bengal & Ors.**

Mr. Satyam Mukherjee
Ms. Sayani Ahmed.
...for the petitioner.

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

Mr. Rajendra Chaturvedi.
...for the respondent no.5.

Ms. Smita Pal.
...for the respondent nos.6 to 10.

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

Petitioner is aggrieved by the inaction of the police authorities and complains that in spite of directions passed in T.S.524 of 2024 upon the Inspector-in-Charge, Rishra Police Station by the learned Civil Judge (Junior Division), 2nd Court, Serampore, Hooghly, construction work is proceeding in full swing by ignoring the order of the civil court. Learned advocate prays that the police authorities be directed to effect the order so passed by the civil court.

Mr. Ganguli, learned advocate appearing for the State refers to the schedule of the property

referred to in the plaint which is holding no.1/2 T.C. Mukherjee Street, Ward No.09, P.O. Rishra, Dist.- Hooghly, Pin 712 248. The said holding number includes the schedule properties being B, B-1 and B-2 referred to in the plaint. The ad interim injunction is restricted to the aforesaid three schedules referred to in the plaint. So far as the construction work is concerned, the same is being carried out according to the police authorities at the holding no.1/1 T.C. Mukherjee Street. It has been reiterated in the report that so far as the holding no.1/2 T.C. Mukherjee Street is concerned, no construction work is being carried out by the private respondents at the suit properties being B, B-1 and B-2 and the same are lying in the previous conditions i.e. G+4.

Learned advocate for the private respondents submits that in accordance with the sanctioned plan granted they have been constructing at holding no.1/1 T.C. Mukherjee Street.

In view of the report so submitted by the police authorities and the submissions advanced by the petitioners and the private respondents if there is any dispute relating to the schedule of the property, petitioner would approach the jurisdictional civil court already in seisin of Title Suit No.524 of 2024.

With the aforesaid observations, WPA 5973 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.)