

16.04.2025
Court No. 35
Item No.55
Rakib

W.P.A. 7048 of 2025

Sumit Gupta & Anr.
VS
The State of West Bengal & Ors.

Mr. Mahammad Mahmud.
... for the Petitioners.
Mr. Souvik Das.
...for the respondent nos. 4 & 5.
Mr. Subhendu Sengupta.
...for State.

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

Petitioners are aggrieved by the fact that they are
residents of Puja Apartment and their passage is being
obstructed by the private respondents. To that effect they
filed a Civil Suit being T.S. 555/2024 which is pending
before the learned Civil Judge (Senior Division) 3rd Court,
Howrah, the said Court was pleased to pass an interim
order. However, inspite of informing the injunction order
no steps have been taken by the police authorities.

State has submitted a report. Report reflects that
earlier a criminal case was registered being Sankrial
Police Station case no. 933/2024 dated 02.12.2024 at the
behest of the private respondents because of the
petitioners assaulting the private respondents.
Subsequently, the petitioner also filed M.P. Case no. 2024
of 2024 before the learned Executive Magistrate, 2nd
Court, Howrah for refraining any disruptful activities at
the behest of the private respondents.

Learned advocate for the respondents submit that the petitioners have the habit of establishing their dominance in the apartment and to that effect they have been filing complaints with wild allegations which have no foundation at the ground level and as such the police authorities till date did not act upon the same.

I have considered the submissions of the learned advocate for the petitioners, private respondent and that of the State and I find that the Civil Court is already in seisin of the issue. So far as the subject matter of the passage is concerned, if there is already a direction by the Civil Court, petitioner would be at liberty to file an application, if so advised, before the Civil Court which after considering the prevailing situation would assess as to whether police assistance is required. In case a direction is passed upon the police authorities, police authorities would respect, obey and implement the order.

For the time being it is directed that the police authorities would continue to keep their surveillance and ensure that no breach of the peace and/or tranquility and/or any untoward incidents results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 7048 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 both the parties.

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.)