

D/L 69
16.04.2025
Kausik
ct.no.35

W.P.A. 7170 of 2025

**Cosminar Promoters Private Limited
Versus
State of West Bengal & Ors.**

Mr. Subhrajyoti Ghosh
Mr. Mrigank Bain

...for the petitioner.

Mr. Animesh Paul

...for the respondent no. 4.

Mr. Suman Ghosh
Mr. Siddhartha Ghosh

...for the state.

Petitioner is aggrieved by the fact that in spite of Narendrapur Police Station receiving the information, till date no action has been taken and the same is in spite of specific directions passed by the learned Civil Judge (Senior Division), 1st Court, Baruipur in Title Suit No. 455 of 2024.

Attention of the Court has been drawn to the order passed on 26.09.2024 wherein the learned Civil Judge (Senior Division), 1st Court, Baruipur was pleased to restrain and prohibit the defendant from engaging himself to any activities which is not in consonance with the development agreement entered into by and between the plaintiff and the defendant and further restrained and prohibited the

defendant from exercising its rights in connection with said development agreement on 08.11.2024.

Learned advocate for the State has submitted that several litigations are pending between the parties and proceedings have been drawn up under section 126/135 of the BNSS. The nature of the dispute complained of arise out of contractual dispute.

Learned advocate for the private respondent submits that the learned Civil Judge while passing the order dated 26.09.2024 did not have any audience of the respondents as the said order was passed ex parte.

It was further submitted that the petitioner has bolstered up a case for interference by the Civil Court and thereafter tried to implement such order by invoking the jurisdiction of this court under Article 226 of the Constitution of India.

Since the Civil Court is already in seisin of the issue, petitioner if he requires any police assistance will pray for the same before the Civil Court. Petitioner has already applied for rendering police assistance.

Since the said application is pending before the Civil Court, I am of the view that if the Civil Court after a contested hearing of the application feels that rendering police assistance is warranted

then in that case if such an order is passed, police authorities would respect, obey and implement such order. In the meantime police authorities would only restrict themselves from restraining the parties, so that there is no breach of the peace and/or tranquility and/or any untoward incident resulting from the strained relationship existing between the parties.

With the aforesaid observations WPA 7170 of 2025 is disposed of.

Report so submitted be kept with the record.

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.

(Tirthankar Ghosh, J.)