

D/L 33
17.04.2025
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ct.no.35

W.P.A. 7308 of 2025

**Sri Ananda Baur
Versus
The State of West Bengal & Ors.**

Mr. Abhilash Chatterjee.
...for the petitioner.

Mr. Suman Sengupta
Mr. Sambuddha Datta
Mr. Sanatan Panja.
...for the State-respondents.

Mr. Sankarshan Sarkar
Mr. Tanmoy Sett
Ms. Sueheta Das.
...for the respondent no.6.

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

Petitioner is aggrieved by the act and action
of the private respondent no.6 which are in violation
of the directions passed by the learned Civil Judge
(Junior Division), Howrah in Title Suit No.25 of 2006.
Learned advocate submits that the private respondent
no.6 is trying to excavate the land and to that effect
has gathered machineries. The purpose of the private
respondent no.6 is to encroach and grab the property
of the petitioner in violation of the orders passed in
connection with Title Suit No.25 of 2006.

Learned advocate for the private respondent
no.6 submits that the civil court is already in seisin of

the issue and if there are violations, the petitioner can resort to the same civil court for appropriate remedies.

Learned advocate appearing for the State submits that the police authorities are in knowhow of the dispute and since the civil court is already in seisin of the issues, the police authorities only on the basis of apprehension cannot take action against any individual.

Learned advocate for the petitioner additionally submits that an application under Section 151 of the C.P.C. is pending before the civil court for the purposes of rendering police assistance. However, the court is lying vacant, as such, there is no scope of hearing of the said application.

Be that as it may, police authorities would ensure that no untoward incident results as the parties are in a strained relationship. Police authorities would also ensure that none of the parties take law in their own hands and thereby violate any order being passed by a court of law.

With the aforesaid observations, WPA 7308 of 2025 is disposed of.

There will be no order as to costs.

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.)