

D/L 15
21.04.2025
Kausik
ct.no.35

W.P.A. 7288 of 2025

**Jatinder Singh Dhatt
Versus
State of West Bengal & Ors.**

Mr. Satadru Lahiri
Mr. Safder Azam
Mr. Syed Wasim Faruque
Mr. Jyotirmoy Talukder

...for the petitioner.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

...for the respondent nos. 7, 8 & 9.

Mr. Sirsanya Bandyopadhyay, Sr. St. Counsel
Mr. Akash Dutta

...for the state.

Petitioner is aggrieved by the inaction of the police authorities pursuant to the information furnished on 12.03.2025 wherein it has been alleged that the private respondents trespassed in the chamber from the adjoining space, damaged all materials lying therein and forcefully locked the chamber.

Petitioner has also filed a supplementary affidavit incorporating the proceedings of the civil court in title suit no. 498 of 2025. The order dated 04.04.2025 in the said suit reflects that the prayer under the application is as follows :-

“that the prayer under the application has put forward by the plaintiff is hereby allowed with an ad interim effect and the defendants are hereby restrained from disturbing the peaceful possession of the plaintiff in respect of the suit property till 05.05.2025.”

Learned advocate for the petitioner therefore submits that in spite of the civil court’s order the private respondents have been exerting their dominance.

Be that as it may, State has submitted a report. Report reflects that on the basis of a complaint filed by the proprietor of Chandan Enterprise namely, Chandan Das, Thakurpukur PS Case No. 91 dated 15.03.2025 has been registered for investigation under the relevant provisions of BNS against some of the private respondents. It has been also submitted that the present petitioner also placed his claim and it surfaced that the said promoter had sold properties to different persons.

Learned advocate for the private respondents submits that the respondent no. 8 has also paid money of the said property and is also in possession of the property.

Be that as it may, since the civil court is already in seisin of the issue relating to possession and has passed directions until and unless the said

order is challenged before the higher forum and in the contrary, until and unless a direction is passed by the said civil court upon the police authorities, I am of the view that it would not be fit and proper for this court to invoke the jurisdiction under Article 226 of the Constitution of India.

Accordingly, the police authorities will act pursuant to the directions of the civil court. If any appeal is preferred and directions are passed, police authorities would abide by the appellate court's order. In the alternative, if any application for direction upon the police authorities are passed by the learned Civil Judge (Senior Division), 7th Court, Alipore, the police authorities would respect, obey and implement such order.

With the aforesaid observations WPA 7288 of 2025 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)