

Sl.No. 18.02.2025
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Court
No. 35
G.S.Das

WPA 8057 of 2023

Md. Khairul Anam @ Khairul Anam
-Vs-
State of West Bengal & Ors.

Mr. Manas Kumar Das
Mr. Mobaidur Hossain
... for the petitioner(s)

Mr. Wasim Ahmed
Mr. Sk. Md. Masud
... for the State - respondent(s)

The petitioner is aggrieved by the inaction of the police authorities as in spite of the directions passed by the learned Civil Judge (Sr. Division), 1st Court, Berhampore, Murshidabad thereby restraining the defendant, namely, Imadul Hoque from disturbing the peaceful possession of the petitioner, the said individual is pursuing his illegal activities and disturbing the petitioner's peaceful enjoyment in the property.

To that effect, the petitioner informed the police station. However, the Officer-in-charge of Nowda police station

did not take any proper steps, particularly, with regard to the order which has been passed by the learned Civil Court in Partition Suit Case No. 302 of 2021.

Learned advocate for the State has submitted a report which reflects that the police authorities are aware regarding the existence of the suit pending before the learned Civil Judge (Sr. Divn.), 1st Court, Berhampore, Murshidabad and, in fact, pursuant to the information received on or about 15th March, 2023, the police authorities on enquiry drew up a proceeding on or about 29.03.2023 under Sections 107/116 of the Cr.P.C.

Having considered that it would be the wisdom of the petitioner to take out an appropriate application before the learned Civil Court for specific direction(s) upon the police authorities and the police authorities would be bound, at that stage, to respect, obey and implement the order of the learned Civil Court, I am of the

view that, at this stage, the police authorities would continue to keep a strict surveillance and ensure that no breach of peace and tranquility takes place as also no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 8057 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

