

D/L 278
08.05.2025
Kausik
ct.no.35

W.P.A. 8282 of 2025

**Niraj Kumar Jaiswal
Versus
The State of West Bengal & Ors.**

Mr. Md. Mansoor Alam

...for the petitioner.

Mr. Arnab Roy
Ms. Sayani Ahmed

...for the respondent nos. 9 to 15.

Mr. Jayanta Samanta, Jr. Govt. Adv.
Ms. Indumouli Banerjee

...for the State.

Petitioner is aggrieved by the fact that in spite of the Executive Magistrate passing order in MP 1059 of 2025 the petitioners are unable to proceed with their construction/repairing work.

Learned advocate for the State has submitted a report. Report reflects that TS No. 159/2022 has been preferred by the petitioner which is pending before the learned Civil Judge (Junior Division), 1st Court, Barrackpore. On the other hand, the respondents have filed a civil suit being title suit no. 437/2002 before the learned Civil Judge (Senior Division), Barasat which is also pending for adjudication. It has been submitted that an ad interim injunction has been passed by the

civil court. In spite of that construction work is in progress.

Be that as it may, since the civil courts are in seisin of the issue, the police authorities are not empowered to interfere with the contents which has been advanced by the petitioner relating to construction. If the petitioner faces any inconvenience petitioner would approach the civil court for appropriate remedies. No interference is called for in respect of the issues canvassed in the present writ petition.

Accordingly, WPA 8282 of 2025 is dismissed.

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.)