

06.03.2025
Court No. 35
Item No.9
Rakib

W.P.A. 8314 of 2023

**Jesaruddin Sk @ Jesar Ali & Ors.
VS
The State of West Bengal & Ors.**

Ms. Manali Biswas,
Mr. Mirnal Saha.
... for the Petitioners.
Mr. Shibasis Chatterjee.
...for respondent no.9.
Mr. Partha Deb Roy, Ld. AGP.
Mr. Purna Lal Bandyopadhyay.
... for the State.

Petitioners complain that their free egress and ingress are being interfered with by the private respondents. To that effect petitioners approached the Civil Court and an ad interim order of injunction was passed by the learned Civil Judge (Junior Division) 2nd Court, Berhampore, Murshidabad in Title Suit no. 373/2022. It has been reiterated that the learned Civil Judge categorically directed the defendants to be restrained from causing obstruction in peaceful enjoyment of the pathway and/or from in any manner obstructing the pathway by gathering materials.

Information thereafter was furnished with the police authorities for assistance and for compliance of the order passed by the learned Civil Judge. However, inspite of such information the police authorities refused to act and respect the order of the Civil Court.

Learned advocate for the private respondent no.9 denies and disputes the allegations so made in relation to

the accusations of raising obstruction as well as interference with the free egress and ingress in the pathway.

Learned advocate for the State submits that since dispute referred to is already before the Civil Court and there are no directions upon the police authorities, the police authorities have only restricted themselves to the issue relating to law and order crisis.

In view of the Civil Judge (Junior Division), 2nd Court, Berhampore, Murshidabad already in seisin of the matter, if the petitioners are aggrieved by the inaction of the police authorities and the private respondent no.9 continues to flout the order of the learned Civil Judge, in that case an appropriate application be preferred before the learned Civil Judge. If the learned Civil Judge directs for rendering police assistance, police authorities would respect, obey and implement the order of the learned Civil Judge.

In the meantime the police authorities would oversee that there is no breach of the peace and/or tranquility or any untoward incidents resulting from the inimical relationship existing between the parties.

With the aforesaid observations WPA 8314 of 2023 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)