

06.03.2025
Item No.18
Ct. No.35
dc.

W.P.A. 10074 of 2024

Sri Paresh Das
versus
The State of West Bengal & Ors.

Mr. Kajal Ray,
Mr. Suman Nandi ... For the Petitioner.

Mr. Jayanta Samanta,
Mr. Kaustav Chatterjee ... For the State.

Mr. Gazi Faruque Hossain
... For the Respondent Nos.5 to 7.

Affidavit-of-service filed in Court today be
kept with the record.

The petitioner is aggrieved by the fact that in spite of civil court having passed an order of status quo thereby restraining from changing the nature, character and possession of the suit property by its order dated 21.09.2023 in Title Suit No. 299/2023, the private respondents are pursuing their illegal activities and interfering with the free enjoyment of the possession and rights to the property. The petitioner claims that there is already a case which has been registered being Polba P.S. Case No. 298/2023 wherein the issue relating to the record of rights has been brought to the notice of the concerned police station and a case has been registered under the relevant provisions of the Indian Penal Code relating to cheating and forgery particularly, with regard to the change of name in the record of rights.

Learned advocate appearing for the private respondent nos. 5 to 7 denies and disputes the accusations made by the learned advocate for the petitioner and submits that facts have been distorted and since the civil court is already in seisin of the issue concerned, at this stage, police interference would affect the rights of the private respondents.

Learned advocate appearing for the State submits that as and when information has been received, proper police assistance has been rendered.

In view of the nature of the accusations made by the petitioner and the learned Civil Judge (Sr. Division), 2nd Court, Chinsurah already in seisin of Title Suit No. 299/2023 wherein an order of status quo has been passed, I am of the view that it would be the exclusive domain of the civil court to render police assistance, if the civil court is of the opinion that there has been flouting or violation of its order. In case such an application is taken out by the petitioner before the civil court and directions are passed upon the police authorities, the police authorities would respect, obey and implement such order of the civil court.

Presently, the police authorities would only ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward

incident results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 10074 of 2024 is disposed of.

There will be no order as to costs.

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.)