

Sl.No.
298 08.05.2025
Court
No. 35
G.S.Das

WPA 9540 of 2025

Hira Sk. @ Shaik & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Aniket Mitra

Mr. Swarvanu Saha

... for the Petitioner(s)

Mr. Somnath Ganguli, Id. AGP

Ms. Kalpita Paul

... for the State-respondent(s)

Ms. Ipsita Ghosh

... for the respondent no. 9

Mr. Manas Kumar Das

... for the respondent no. 5

Supplementary Affidavit filed by the
petitioner be kept with the record.

Affidavit-of-service so filed be also
kept with the record.

The petitioner complains that the
private respondents are the rank outsiders
who are trying to grab his property as
also demolish a part of the property.

The petitioner submits that a civil
suit has been preferred wherein an
injunction order was passed. In spite of
the same, the private respondents have
been violating the order of injunction and
there is no assistance from the police

authorities.

Learned advocates for the respondent nos.5 and 9 submit that they are the co-sharers and a partition suit has been filed by the respondent no.5.

Learned advocate for the respondent no.9 submits that the police authorities have not been asked to take any step which reflects that no cognizable offence is made out.

State has submitted a report which reflects that the police authorities are aware regarding the civil suit pending at the behest of the petitioner as well as the partition suit instituted at the behest of the private respondent(s).

It has also been pointed out in the report that a proceeding under Section 126 of the BNSS has been drawn against the parties.

Having considered that the petitioner complains of violation of the civil

court's order and the civil court is already *in seisin* of the issues, I am of the view that if any application is preferred before the learned civil court and the civil court passes any direction upon the police authorities for rendering assistance, the police authorities would respect, obey and implement the said order.

In the meantime, the police authorities would only oversee in continuation of the proceedings under Section 126 of the BNSS that no further untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 9540 of 2025 is disposed of.

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

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.)

