

D/L 295
08.05.2025
Bpg.
ct.no.35

W.P.A.9515 of 2025

**Anowar Halder
Versus
The State of West Bengal & Ors.**

Mr. Lakshminath Bhattacharya.
...for the petitioner.

Mr. Somnath Ganguli
Mr. Raja Ram Banerjee.
...for the State-respondents.

Affidavit-of-service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that in spite of a status quo order being passed by the learned Civil Judge (Junior Division), Diamond Harbour in T.S.317 of 2023, the private respondents by violating the said order have been raising construction in a waterbody. According to the petitioner, the private respondents are outsiders and in spite of the same they by using their influence are breaking the law.

State has submitted a report. Report reflects that there has been a long standing dispute and on the basis of the complaint of the respondents, Mathurapur Police Station Case No.89 of 2025 dated 25.04.2025 has been registered for investigation against the petitioner.

Be that as it may, as the petitioner complains of violation of the civil court's order, I am of the view that the petitioner would take out an appropriate application before the learned Civil Judge (Junior Division), Diamond Harbour in seisin of T.S. 317 of 2023. If the civil court is of the opinion that there is requirement of police assistance, then in that case, if such an order is passed, the police authorities would respect, obey and implement the order of the civil court. In the meantime, police authorities would only ensure that no further untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 9515 of 2025 is disposed of.

There will be no order as to costs.

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.

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

(Tirthankar Ghosh, J.)