

Item No.- 149
14.05.2025
Rohan
Court No. 35

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 9825 of 2025

**Mabiya Bibi
Versus
The State of West Bengal & Ors.**

Mr. Uday Narayan Betal,
Mr. Bhaskar Hutait.

... for the petitioner

Mr. Sirsanya Bandopadhyay, Sr. Standing Counsel,
Mr. Akash Dutta.

... for the State

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

The petitioner complains that an information was
furnished to the Inspector-in-Charge of Panskura Police
Station as well as to the Superintendent of Police, Purba
Medinipur.

The main thrust of contention of the petitioner was
that the construction which is being raised by the private
respondents should be stopped. To that effect, the
petitioner drew the attention of this Court passed in T.S.
93 of 2025.

Learned advocate appearing for the petitioner
submits that in the said civil suit, the learned Civil Judge,
Senior Division, 1st Court, Tamluk, Purba Medinipur was

pleased to direct the Commissioner for holding an inspection. The petitioner also submits that earlier, the *status quo* order was passed in respect of the suit property with regard to the nature and character of the same.

I have considered the report submitted by the State.

State has also taken into account the application filed under Section 163(2) of the BNSS before the learned Executive Magistrate by the petitioner to conduct an enquiry to that effect. It is also reflected in the report that a proceeding under Section 126 of the BNSS has been drawn up against the private respondents.

The petitioner has prayed for interfering with the alleged construction which is being raised according to her.

Since the Civil Court is in seisin of the same, the police authority would not interfere with the same until and unless directed by the Civil Court, already in seisin of the issue.

If directions are passed by the Civil Court upon the police authority to render assistance, the police authority would respect, obey and implement the order.

The report of the police authority categorically states that:

“It is pertinent to mention herein that, during enquiry, the allegation of physically assaulting the petitioner in any form has been unsubstantiated and also, found that, the private respondents are not continuing any further construction work.”

In view of the aforesaid, I do not find any reason to interfere with the prayer so advanced.

Accordingly, WPA 9825 of 2025 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the Official Website of this Court.

(Tirthankar Ghosh, J.)