

Sl.No.

169

Court
No. 35

G.S.Das

14.05.2025

WPA 9931 of 2025

Samirul Mondal -Vs- The State of West Bengal & Ors.

Mr. Simanta Kabir
Mr. Chandan Sekh
Mr. Avik Pramanick
... for the Petitioner(s)
Mr. Jayanta Samanta, Id. Jr. Govt. Adv.
Ms. Indumouli Banerjee
... for the State-respondent(s)
Mr. Dhananjay Banerjee
Mr. Praloy Hazra
... for the respondent nos. 6 to 12

The petitioner is aggrieved by the fact that in spite of the directions passed by the learned Civil Judge (Jr. Divn.), Kalna, Purba Bardhaman in connection with T.S. 183 of 2024, the police authorities have not given any effect to the order so passed.

Learned advocate for the petitioner specifically contends that there were restrain order being passed by the learned Civil Court so that the defendants are restrained from changing the nature and

character of the property concerned as also entering and/or disturbing petitioner's peaceful possession over the suit property.

A representation, to that effect, was furnished before the police authorities, but, the police authorities refused to aid and/or assist and/or implement the order passed by the learned civil court.

Learned advocate for the private respondent(s) disputes and denies the contentions raised by the petitioner and submits that in order to establish his dominance, the petitioner has approached the police authorities. Learned advocate also submits that the remedy of the petitioner should be before the learned civil court which is already *in seisin* of the issues.

Mr. Samanta, learned Junior Government Advocate, appears for the State and submits that since the civil court is already *in seisin* of the issues,

the police authorities have no scope for interference except to keep a strict vigil so that no breach of the peace and/or tranquility takes place.

Having considered the submissions advanced by the respective parties as also the agony expressed by the petitioner, I am of the view that in case the petitioner approaches the learned civil court, which is already *in seisin* of the issues, for police assistance and/or for appropriate directions upon the police authorities and, if the civil court is of the opinion that such police assistance is to be rendered, then, in that case, the police authorities would respect, obey and implement the order of the learned civil court.

In the meantime, the police authorities would continue to keep their surveillance and ensure that no breach of the peace and/or tranquility takes place as also no untoward incident results because

of the strained relationship existing between the parties.

With the aforesaid observations, WPA 9931 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.)