

**24.06.2025**  
Court No. 35

M/L. 12  
Rakib

**W.P.A. 10178 of 2025**

**Sahanara Bibi & Anr.**  
**VS**  
**The State of West Bengal & Ors.**

Mr. Golam Karim Chowdhury,  
Mr. Md. Asfak Alam.

... for the Petitioners.

Mr. Santanu Kumar Mitra, Sr. Govt. Adv,  
Ms. A. Ghosh.

...for State.

Mr. S. A. Moqued,  
Mr. Suman Shah.

...for respondent nos. 9,12,14 to 17

Learned advocate for the petitioners contend that the private respondents have filled up a water body and raised construction. According to the learned advocate appearing on behalf of the petitioners there is already a status quo order passed by the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas in T.S. No. 242/2021 which directs not to change the nature and character of the property and in spite of the order existing the private respondents have changed the nature and character.

Report has been submitted by the State which reflects that a Civil Suit being T.S. 242/2021 is pending, a direction by the West Bengal Land Reforms & Tenancy Tribunal vide O.A. No. 2311/2022 wherein the proceedings were withdrawn. So far as the filling up of the water body are concerned, police authorities have stated that the land records reflects that said property to be danga and not to be a water body. Police authorities have

drawn up proceedings under Section 126 of the BNSS and the limited scope available to the police authorities in such circumstances have been exhausted.

Learned advocate appearing for the private respondents submits that the proceedings have been initiated against a dead person. Petitioners are alien to the ground reality and have filed the writ petition to circumvent the procedures and/or remedies available before the Civil Court.

In view of the submissions so advanced by the respective parties, particularly the petitioners, I am of the view that if the petitioners are of the opinion there has been breach of the status quo order passed by the learned Civil Judge (Senior Division), Basirhat in T.S. 242/2021, petitioner would exhaust the remedies available under the Civil Procedure Code.

So far as the police authorities are concerned, they will continue their surveillance and would ensure that no breach of the peace and/or tranquility takes place and/or any untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 10178 of 2025 is disposed of.

Report submitted by the State be kept with the record.

Copies of the report be handed over to the respective parties.

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.)**