

03.04.2025
Court No. 35
Item No.11
Rakib

W.P.A. 11137 of 2024

Ajit Roy & Ors.
VS
The State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Ms. Riya Das.
... for the Petitioners.
Mr. Amal Kr. Sen, Ld. AGP,
Mr. Lal Mohan Basu.
...for State.

The Advocate Commissioner's report which was filed before the Civil Judge (Sr. Division), 3rd Court, Krishnanagar, Nadia on 7th of May, 2024, reflects that the building was locked from inside and as such the Commissioner was unable to inspect the whole building and unable to see whether there was any wall of the said pucca dwelling house demolished or not.

Since, it is reflected from the Commissioner's report that the building has been locked from inside and there was an earlier direction passed by a Coordinate Bench in WPA 16370 of 2023 that "if any padlock has been put in violation of the Civil Court's order, the police authorities shall be at liberty to look into the same and break it open."

I am of the view that the observations made by Hon'ble Justice Jay Sengupta in WPA 16370 of 2023, in the background of Civil Court's order be assessed in respect of the status quo order passed and if required then should be direction for appointment of a Special

Officer who would be present for implementing its order in case the same has been violated. The learned Civil Court would see that within a period of four weeks from the date of communication of this order the earlier directions be complied with.

To that effect specific directions may be passed upon the police authorities to render assistance to the Special Officer appointed by the Civil Court so that there may not be any further violation or flouting of the order passed by the High Court or the Civil Court.

With the aforesaid observations WPA 11137 of 2024 is disposed of.

Report submitted by the Stat be kept with the record.

Since no affidavits have been called for the accusations made in the writ petition so far as the State respondents are concerned are deemed not to have been admitted.

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.)