

Sl.No. 49 07.07.2025
Court No. 35
G.S.Das

WPA 11117 of 2025

Sri Narayan Kamila & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Amitabha Ghosh
Mr. M. M. Roy
... for the Petitioner(s)

Mr. Rajarshi Basu
Ms. Sanchayita De
... for the State-respondent(s)
Mr. Narattam Acharyya
Mr. P. Jana
... for the respondent nos.7&8

The petitioner is aggrieved by the fact that inspite of the direction of *status quo* passed in TS 204 of 2018 in respect of the scheduled suit property (ka), the private respondents are violating the said order and trying to raise construction.

To that effect, information have been sent to the police authorities. However, the police authorities did not act on such information which is encouraging the private respondents to carry out their acts and activities.

Learned advocate for the private respondents, on the other hand, submits that since the learned Civil Court is already *in seisin* of the issues, there is hardly any scope for the police authorities or, for that purpose, this writ court to invoke its jurisdiction under Article 226 of the Constitution of India.

Learned advocate for the petitioners, on the contrary, submits that since the learned civil court is lying vacant, they are unable to take out any application under Section 151 of the CPC and/or Order 39 Rule 2A of the CPC for necessary police help for breach of such order passed by the civil court.

Learned advocate for the State, on the other hand, submits a report which reflects that the police authorities have already drawn up a proceeding under Section 126 of the BNSS.

Since a proceeding under Section

126 of the BNSS has been drawn up, the police authorities would continue their surveillance as also ensure that no untoward incident results because of the strained relationship existing between the parties.

Having regard to the agony expressed by the petitioner, I direct the learned District Judge, Purba Medinipur to assign TS 204 of 2018 before a Civil Court which is in-charge, till regular presiding officer joins such Court.

With the aforesaid observations, WPA 11117 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. Copy of the report be handed over to both the parties.

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.)

