

D/L 45
25.06.2025
Bpg.
ct.no.35

W.P.A.12022 of 2025

**Swapan Kumar Chakraborty
Versus
State of West Bengal & Ors.**

Mr. Sandipan Pal.
...for the petitioner.

Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Diptendu Narayan Banerjee
Mr. Soumen Chatterjee.
...for the State-respondents.

Mr. Neil Basu
Mr. Sankha Biswas.
...for the respondent nos.5 to 7.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner complains that in respect of ad
interim injunction order passed by the learned Civil
Judge (Senior Division), 1st Court, Baruipur in T.S.
No.309 of 2024, the private respondents are adamant
and are violating the order so passed by the learned
civil court. Petitioner has also approached the learned
Executive Magistrate under Section 163(2) of the
BNSS. In spite of the same, the private respondents
are interfering with the peaceful enjoyment of the
property of the petitioner and/or creating

disturbance. To that effect, information was furnished to the Inspector-in-Charge, Joynagar Police Station but the same did not yield any result. As such, petitioner has approached this Court.

Learned advocate for the private respondents submits that since the civil court is already in seisin of the issue, petitioner has his remedies before the civil court.

State has also opposed the manner in which the provisions of Article 226 of the Constitution of India is being tried to be invoked for implementing the civil court's order.

Be that as it may, if the petitioner is aggrieved in respect of breach of the ad interim order of injunction passed by the learned civil court in T.S. 309 of 2024, in that case, appropriate application for direction upon the police authorities be sought for from the concerned court. If any direction is passed upon the police authorities by the civil court, the police authorities would respect, obey and implement such order. In the meantime, police authorities would ensure that there is no breach of the peace and/or tranquility and no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 12022 of 2025 is disposed of.

There will be no order as to costs.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)