

D/L 29
22.07.2025
Bpg.
ct.no.35

W.P.A.11551 of 2025

**Sk. Azizar Rahaman
Versus
The State of West Bengal & Ors.**

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
Mr. Arka Mondal.
...for the petitioner.

Mr. Ansar Mandal
Mr. Tanweer J. Mandal.
...for the State-respondents.

Mr. Simanta Kabir
Mr. Chandan Sk.
...for the respondent nos.5 & 6.

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

Petitioner is aggrieved by the fact that in spite of the civil court having passed order in T.S. 45 of 2021 wherein a temporary injunction direction was passed directing a status quo in respect of nature, character and possession of the suit, the police authorities on being informed of such order is not acting in accordance with law.

State has submitted a report. Report reflects that the police authorities are well aware regarding the nature of the dispute and the pendency of the civil proceeding as well as the order having been passed.

Police authorities have also drawn up proceedings under Section 126/135 of the BNSS on repeated occasions.

Learned advocate for the respondent nos.5 and 6 submits that there has been no construction at the site which is the subject matter of complaint of the present petitioner. Additionally, it has been submitted on behalf of the private respondent nos.5 and 6 that the petitioner has engineered facts to his own convenience for setting the police into action although the nature of the dispute is a part of the civil court proceeding.

Having regard to the fact that the civil court has passed an order of temporary injunction and the police authorities are aware regarding the same, police authorities would continue to oversee that there is no untoward incident resulting from the inimical relationship existing between the parties.

With the aforesaid observations, WPA 11551 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to both the parties.

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.)