

D/L 63
26.06.2025
Bpg.
ct.no.35

W.P.A.12399 of 2025

**Sri Himangshu Das
Versus
The State of West Bengal & Ors.**

Mr. P. Das
Ms. M. Patra.
...for the petitioner.

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

Mr. Sukumar Ghosh
Ms. Moumita Ghosh.
...for the respondent no.4.

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

Learned advocate appearing for the petitioner
submits that in spite of direction passed by the
learned civil court in Title Suit No.85 of 2023, the
private respondents have violated the said order,
trespassed and caused loss to the petitioner by way of
dismantling the trees.

State has submitted a report. Report reflects
that a long standing dispute is existing and criminal
cases have also been registered wherein charge-sheet
has been submitted.

Learned advocate for the private respondent no.4 submits that the jurisdiction of Article 226 of the Constitution of India cannot be invoked since the civil court is in seisin of the issue.

I have considered the submissions of the respective parties and I am of the view that in case there is a breach of the order of the civil court as submitted by the petitioner, the petitioner would exhaust his remedy before the civil court for implementing its order.

Having regard to the fact that the petitioner and the private respondents are at loggerhead, police authorities would keep a strict vigil and 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 12399 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 the learned advocates appearing for 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.)