

25.06.2025
Item No.87
Ct. No.35
dc.

W.P.A. 12244 of 2025

Sri Subhash Chakraborty
versus
The State of West Bengal & Ors.

Mr. Souma Subhra Ray,
Ms. Neelam Kumari ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Mr. Diptendu Narayan Banerjee,
Mr. Soumen Chatterjee ... For the State.

Ms. Chandana Ghosh,
Mr. K. K. Bandyopadhyay
... For the Respondent Nos. 5 to 8.

Affidavit-of-service filed in Court today be
kept with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.
A copy of the report be handed over to the learned
advocates appearing for the petitioner and the
respondent nos. 5 to 8.

Learned advocate appearing for the petitioner
submits that the petitioner is a tenant who is being
attempted to be thrown away by the private
respondents. According to the petitioner, a title suit
being T.S. No. 218 of 2025 is already pending
before the learned Civil Judge (Senior Division), 2nd
Court, Barasat and a *status quo* order has also
been passed. The petitioner has also preferred an
application under Section 151 of the Civil
Procedure Code which is also pending before the
learned civil court. Learned advocate for the
petitioner submits that as the private respondents

are violating the order of the civil court, information was furnished to the Inspector-in-Charge, Lake Town Police Station.

Learned advocate appearing for the private respondent nos. 5 to 8 submits that the petitioner has unnecessarily involved the police authorities, although the civil court is already in seisin of the issue and the very purpose of involving the police authorities is to create a pressure upon the private respondents.

State has submitted a report which reflects that civil proceedings are pending and in order to dissuade any inimical terms, proceedings have been drawn up under Section 126 of BNSS by the police authorities.

Having considered that an application under Section 151 of the Code of Civil Procedure is pending before the learned civil court, I am of the opinion that in case any direction is passed upon the police authorities by the civil court, the police authorities would respect, obey and implement such order. Since a proceeding is pending under Section 126 of BNSS, police authorities would continue their surveillance and ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, the writ petition being WPA 12244 of 2025 is disposed of.

There will be no order as to costs.

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.)