

WPA 12094 of 2025

Saokat Molla

v.

The State of West Bengal & Ors.

28.05.25
Sl-24
Ct.07
(S.R.)

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Prabir Mondal
Mr. S. Uddin Laskar ... for the petitioner.

Mr. Jayanta Samanta, Ld. Jnr. Govt. Adv
Mr. Subhajit Chowdhury ... for the State.

The present writ petition has been filed citing inaction on the part of the Officer-in-Charge, Canning Police Station in taking appropriate steps to comply with the order dated 7th May, 2024, passed by the Civil Judge (Senior Division), 1st Court, Baruipur, in Title Suit No. 137 of 2024.

The petitioner alleges that defendant Nos. 13 and 14 were carrying out illegal construction in violation of an order passed by the Court on 5th April, 2024. By filing an application under Section 151 of the Code of Civil Procedure, this fact was brought to the notice of the Court. Subsequently, the Court, by order dated 7th May, 2024, directed the Officer-in-Charge, Canning Police Station to ensure that neither party takes any action in respect of the property that may alter the nature, character, or possession of the suit property until further orders of the Court.

The petitioner further alleges that the said order was duly

brought to the notice of the Officer-in-Charge, Canning Police Station. However, despite being fully aware of the order, no effective steps have been taken. This inaction has compelled the petitioner to approach this Court by filing the present writ petition.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the order dated 7th May, 2024 is still in force.

Mr. Samanta, learned advocate appearing for the State, submits that the Officer-in-Charge, Canning Police Station is duty-bound to comply with the order passed by a competent Court of law. He submits that the Officer-in-Charge shall adhere to the said order in both letter and spirit. However, he points out that the private respondents have not been made parties to the proceedings, and therefore, according to him, the writ petition is liable to be dismissed for non-joinder of necessary parties.

Heard the learned advocates and perused the materials on record. After considering the submissions made on behalf of the State and the facts and circumstances of the case, I am of the considered view that there is no use in keeping this writ petition pending and if the Officer-in-Charge, Canning Police Station is directed to comply with the order dated 07.05.2024, he will not be prejudiced.

Accordingly, the writ petition is disposed of with a direction to the Officer-in-Charge of Canning Police Station to comply with the order dated 7th May, 2024, and to ensure that none of the parties to the suit undertake any action in violation of that order.

There shall, however, be no order as to costs.

Urgent Photostat certified copy of the order if applied for, be made over to the parties as expeditiously as possible.

(Partha Sarathi Chatterjee, J.)