

30.06.2025
Court No. 35
Item No.84
Rakib

W.P.A. 12751 of 2025

Ajit Halder.
VS
The State of West Bengal & Ors.

Mr. Dilip Kr. Shyamal,
Mr. G. Ghosh.
...for the petitioner.

Mr. Ayan Chandra Roy,
Mr. Anirban Datta.
...for State.

Mr. Samiran Mondal,
Mr. N. Samanta.
...for respondent nos. 5 & 6.

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

Learned advocate appearing for the petitioner
submits that petitioner has filed a suit being T.S. 151/17
before the learned Civil Judge (Senior Division), 1st Court,
Baruipur. Learned Civil Court was pleased to pass an
order of status quo restraining the parties from changing
the nature, character and possession of the suit property.
In spite of the same, the private respondent nos. 5 to 7
have started changing the nature of the property by
digging the land for construction of a building. When the
same was resisted by the petitioner he was subjected to
abuse, assault and threats. To that effect information was
furnished to the police station but no steps have been
taken.

Learned advocate for the State has submitted a
report. Report reflects that earlier on the basis of the

information furnished by the petitioner Kultali Police Station case no. 702/2023 dated 06.11.2023 was registered for investigation. Subsequently, on receipt of the information steps have been taken by drawing up proceedings under Sections 126/135(3) of the BNSS. The police authorities have not dealt with the issue relating to digging the land for the purpose of construction, on the other hand contended that the land is possessed by the opposite parties.

As there has been factual disputes in respect of the contention of the parties it would not be proper for deciding on an issue which relate to rights of the parties.

The contention in the report reflects that the proceedings under Section 126/135(3) of BNSS has been drawn up, consequently, the police authorities would continue their surveillance and would ensure that no untoward incident results because of the strained relationship presently existing between the parties.

As the application under Section 151 of Code of Civil Procedure is pending before the Jurisdictional Civil Court, the petitioner would canvass his issues relating to digging of the land for the purposes of construction by violating the initial order of status quo passed by the learned Civil Court. In case, any direction is passed upon the police authorities, police authorities would respect,

obey and implement such order passed by the learned Civil Court.

With the aforesaid observations WPA 12751 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)