

Sl.No. 02.07.2025
100
Court
No. 35
G.S.Das

WPA 13188 of 2025

Manirul Islam
-Vs-
The State of West Bengal & Ors.

Mr. Satyendra Agarwal
Mr. Tarak Nath Sarkar
... for the Petitioner(s)

Mr. Suman Sengupta
Mr. Sambuddha Dutta
... for the State-respondent(s)
Mr. Amit Ranjan Pati
Ms. Swastika Choudhury
... for the respondent no.4

Learned advocate for the petitioner submits that inspite of an injunction order being passed in TS 138 of 2022 by the learned Civil Judge (Jr. Divn.), 3rd Court, Paschim Medinipur, the private respondents have been carrying out the construction illegally and inspite of informing the police authorities, no steps have been taken.

Additionally, it has been submitted that the learned Executive Magistrate directed the opposite parties in Petition Case No. 559 of 2025 to stop any kind

of construction. But, inspite of the order of the Executive Magistrate, the private respondents have been carrying out their construction.

On the other hand, learned advocate appearing for the private respondents submits that the construction is being raised in a separate piece of land and, even if, the order of the Executive Magistrate or the learned Civil Court is violated, the petitioner has his remedy before the appropriate forum.

Learned advocate for the State has submitted a report which reflects that the residential house which is being constructed is at Dag No. 1694 under Mouza-Keshpur and same is after maintaining legal formalities.

The report also depicts the background of the nature of dispute, number of civil cases pending *inter se* the parties as well as the nature of dispute

which has been continuing for a considerable period of time.

Since the nature of dispute which has been complained of is absolutely a civil dispute and the civil court is already *in seisin* of the adjudication, I am of the opinion that without specific direction from the jurisdictional civil court, the police authorities will not be able to interfere in respect of the construction being raised legally and/or illegally.

However, the petitioner, if so advised, would approach the jurisdictional civil court *in seisin* of the issues. In case, any direction is passed upon the police authorities, the police authorities would respect, obey and implement such order.

With the aforesaid observations, WPA 13188 of 2025 is disposed of.

Pending application(s), if any, is

also disposed of.

Report so submitted be kept with
the record.

Parties to act on a server copy of this
order duly collected from the official website of the
Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)