

17.07.2025

Court No. 35

D/L. No.75

Rakib

W.P.A. 14175 of 2025

Azizul Molya

VS

The State of West Bengal & Ors.

Mr. Ibrahim Shaikh

Mr. Benazir Shaikh

...for the Petitioner.

Ms. Jhuma Chakraborty, Sr. Govt. Adv,

Ms. Munmun Tewary

...for the State.

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

Petitioner is aggrieved by the fact that in spite of Civil Court having passed ad interim order of injunction in T.S. 41/2016, the private respondents have been committing breach of the same and raising construction in the property of the petitioner. Information was furnished to the police authorities and the police authorities in spite of having knowledge regarding the order of the Civil Court refused to act in terms of the directions.

Learned advocate appearing for the State has submitted a report. Police authorities have already registered Sandeshkhali P.S. Case no. 234/25 dated 27.05.2025 on the basis of complaint of one Abdul Mojid and also another case being Sandeshkhali P.S. Case no. 236/25 dated 29.05.2025 has been registered on the basis of complaint of Fazila Bibi.

Be that as it may, the Civil Court is already in seisin of the issue, if there has been a breach of the order passed by the Civil Court, petitioner would bring the same to the notice of the learned Civil Judge already in seisin of the issue. In case in any particular manner the police authorities are directed to act by the Civil Court, the police authorities would implement such order.

Since proceedings have been drawn under Section 126 of the BNSS, the police authorities would continue their surveillance and would ensure no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations WPA 14175 of 2025 is disposed of.

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

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.)