

D/L2228 & 229
18.03.2025
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ct.no.35

W.P.A.14619 of 2023

**Sk. Maskur Ali
Versus
State of West Bengal & Ors.**

Mr. Mahammad Mahmud.
...for the petitioner.

Mr. Somnath Ganguli
Mr. Parikshit Goswami.
...for the State-respondents.

Ms. Debdattya Karmakar
Mr. Sk. Salauddin.
...for the respondent nos.4 to 8.

With

W.P.A.4902 of 2025

**Jahanara Sekh Begum
Versus
The State of West Bengal & Ors.**

Mr. Gazi Faruque Hossain
Ms. Varsha Roy.
...for the petitioner.

Mr. Suman Sengupta
Mr. S. Datta.
...for the State-respondents.

Petitioner namely Sk. Maskur Ali in the
plaint before the civil court referred to a schedule
which was mis-description in respect of his ownership
and unnecessarily incorporated dag no.37 – 0.14
satak which belongs to Jahanara Sekh Begum. On
the basis of the said schedule along with other plots

the learned civil court passed an ad interim order of injunction and subsequently directed Officer-in-Charge, Chanditala Police Station to ensure that the order of temporary injunction is properly obeyed by the defendants to the suit. The said Jahanara Sekh Begum was not made a party in the suit also.

Since, prima facie, it reflects that the petitioner had hoodwinked the civil court by misdescription with regard to the schedule of the property, I am of the view that the learned Civil Judge (Senior Division), Serampore, Hooghly, would revisit, reconsider and after appreciation if he thinks fit and proper vacate the earlier order of temporary injunction so passed.

Let the rehearing in respect of the earlier temporary injunction application be taken up by the learned Civil Judge (Senior Division), Serampore, Hooghly on 24th March, 2025.

Let Jahanara Sekh Begum be deemed to be an added party and also participate in the hearing in connection with T.S.246 of 2022.

Learned civil court would assess the correctness of the schedule first, thereafter pass necessary orders and once the order is passed, the learned court would pass necessary directions upon the police authorities.

In case the hearing consumes time, the learned civil court will continue the hearing everyday consecutively till it arrives at a finding. In case the learned civil court arrives at a finding which was adverse to the earlier directions passed, the civil court will consider that the directions passed by the High Court is deemed to be recalled.

With the aforesaid observations, WPA 14619 of 2023 and WPA 4902 of 2025 are disposed of.

There will be no order as to costs.

Reports submitted before this Court be kept with the record.

Copies of both the reports would be submitted by 24th March, 2025 by the Officer-in-Charge, Chanditala Police Station before the learned Civil Judge (Senior Division), Serampore, Hooghly.

Copies of both the reports be handed over to learned advocates appearing for both the parties.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)