

Sl.No. 07.02.2025
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Court
No. 35
G.S.Das

WPA 16248 of 2024

Sri Debashish Jana @ Atib Jana
-Vs-
The State of West Bengal & Ors.

Mr. Dipanjan Chatterjee
Ms. Rimpa Adhikari
Ms. Kakan Das
... for the petitioner(s)

Mr. Sirsanya Bandopadhyay, Id. Sr. St. Counsel
Mr. Ritesh Kumar Ganguly
... for the State-respondent(s)
Mr. Mukteswar Maity
Ms. Nupur Choudhury
.. for the respondent nos. 4&5

The petitioner is aggrieved by the fact that the learned Civil Court in T.S. No. 40 of 2024 has passed ad interim injunction order restraining the respondents from disturbing peaceful possession of the schedule property referred to in the suit as also from changing the nature and character of the property.

The grievance of the petitioner is that in spite of the same, the respondents are constructing road on his own land and, in spite of informing the same to

the police authorities, no action has been taken.

Learned advocate for the State has submitted a report, which reflects that the police authorities have drawn up a proceeding under Section 107 of the Cr.P.C.

However, the main grievance of the petitioner is in respect of restraining the construction on the road, which according to him, is his own land.

Since the petitioner has already approached the jurisdictional Civil Court and the learned Civil Court has passed an ad interim injunction order, the petitioner would be well advised to approach the learned Civil Court for implementing the order of ad interim injunction by way of taking out appropriate application under Section 151 of the CPC and/or Order XXXIX Rule 2A of the CPC. If any direction is passed for rendering

police assistance, the police authorities would respect, obey and implement such order.

In the meantime, the police authorities would ensure that no breach of peace and tranquility takes place as also no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations, WPA 16248 of 2024 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.)

