

30.07.2025
Court No. 35
D/L. No.5
Rakib

W.P.A. 15580 of 2025

Prasanta Das
VS
The State of West Bengal & Ors.

Mr. Ziaul Haque
Mr. Himadri Kumar Mahato
...for the Petitioner.

Mr. Tapan Coomar Dey
Ms. Sayani Das
...for the State

Mr. Sib Sankar Das
...for the respondent no.8.

Ms. Lili Karan
Ms. S. Das
...for the respondent nos. 10 to 12.

Mr. Akashdeep Mukherjee
...for the respondent nos. 13 & 14.

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

Learned advocate appearing for the petitioner is
aggrieved by the fact that in spite of informing the Officer-
in-Charge of Dhaniakhali police station no steps have
been taken and the grievance of the petitioner is that the
private respondents are trying to take advantage of the
local miscreants for constructing pillars.

It is reflected that earlier the private respondents
approached this Court when specific direction was passed
in WPA 7776/25. Police authorities were earlier directed
to maintain peace and tranquility. Accordingly, police
authorities have drawn up proceedings under Section
126/135(3) of the BNSS.

Learned advocate appearing for the private respondents denies of construction of any pillars which would call for interference by any Court. The Civil Court is already in seisin of Title Suit no.114/2024, there is an ad interim order of injunction. It has been submitted by the respondent that the said ad interim order of injunction had been stayed by the Hon'ble High Court at Calcutta.

Having considered that the Civil Court is already in seisin of the issue and the concerned police authorities have already drawn up proceedings under Section 126/135(3) of the BNSS, if further breach of the peace takes place at the behest of any of the parties, the Officer-in-Charge, Dhaniakhali Police Station will advance a prayer before the Executive Magistrate for a direction to be passed so that the party who is creating the disturbance should stay outside the jurisdiction of Dhaniakhali Police Station.

The police authorities would continue their surveillance and ensure that no untoward incident results because of the inimical relationship existing between the parties.

With the aforesaid observations WPA 15580 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.)