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ct.no.35

W.P.A.17121 of 2024

**Nurujjaman Molla & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Subhrajit Saha
Mr. Badrul Karim
Ms. Indrani Roy
Mr. S. Roy
Ms. Monalish Sinha
Mr. Aritra Ghosh
Mr. Kiron Sk.

...for the petitioners.

Mr. Suman Ghosh
Mr. Siddharta Ghosh.

...for the State-respondents.

Mr. Triptimoy Talukder
Mr. Diptomoy Talukder
Mr. Abhiraj Tarafdar

...for the private respondents.

Affidavit-of-service and supplementary
affidavit filed by the petitioners be kept with the
record.

Petitioners and the private respondents are
at loggerhead in respect of construction of boundary
wall. To that effect, number of cases have been
registered. There has been arrest in respect of the
said cases which were registered with Magrahat Police
Station.

Records of the case reflect that Title Suit
No.140 of 2000 is still pending. Last of the order, as
pointed out by the learned advocate appearing on

behalf of the petitioners, is that a direction was passed by the learned Civil Judge (Senior Division), Diamond Harbour in Title Suit No.140 of 2000 on 30.10.2017 directing the Officer-in-Charge, Magrahat Police Station to render necessary police help to the parties for implementation of the order of injunction which was passed by the court on 26th April, 2001.

Mr. Ghosh, learned advocate appearing on behalf of the State submits that the police authorities have been vigilant and they have acted in accordance with law as and when cognizable offence surfaced, police authorities have taken steps. Consequently, Magrahat Police Station Case No.105 of 2024, Magrahat Police Station Case No.141 of 2024 and Magrahat Police Station Case No.193 of 2024 have been registered for investigation. Apart from the same proceedings have been drawn up under Sections 107/116 of the Code of Criminal Procedure.

Learned advocate for the private respondents submits that the petitioners are trying to establish their dominance by way of distorted facts being presented before the court and the private respondents are foisted with series of cases, although they are innocent of the charges.

Petitioners are aggrieved that the police authorities are unnecessarily showing their lenience

in respect of the accused persons. To that effect, specifically, it has been averred in the report that steps have been taken and two of the accused persons have been arrested in connection with Magrahat Police Station Case No.193 of 2024. It has also been submitted that the police authorities are putting in efforts to trace out rest of the persons who are involved in the offence.

In view of the civil court having passed its order on 30th October, 2017, it would be the primary duty of the police authorities to respect, obey and implement the order of the civil court.

With the aforesaid observations, WPA 17121 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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.)