

17.04.2025
Item No.201
Ct. No.35
dc.

W.P.A. 16453 of 2023

**Sri Sourav Chowdhury
versus
The State of West Bengal & Ors.**

Ms. Debjani Ghosal,
Ms. Sanchayita Das ... For the Petitioner.

Mr. Pantu Deb Roy, AGP,
Mr. Jaladhi Das ... For the State.

Affidavit-of-service and supplementary
affidavit filed on behalf of the petitioner be kept
with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.

The petitioner is aggrieved by the fact that
the police authorities had not been carrying out the
directions of the civil court in connection with Title
Suit No. 237/2023. Learned advocate for the
petitioner draws the attention of the Court to the
order dated 31.05.2023 and emphasises on the part
of the order where there has been specific direction
upon the Inspector-in-Charge, Chinsurah Police
Station to keep vigil so that the order dated
31.05.2023 passed by the civil court in respect of
the suit property is implemented. Learned advocate
for the petitioner submits that the police authorities
did not comply with the order and the private
respondent has successfully enclosed the business
location both shop and the adjoining area which
were part of the tenancy by way of stacking bricks

and other materials so that free egress and ingress is at all not possible in respect of the tenanted premises.

State has submitted a report which reflects that the police authorities particularly the officer assigned for implementation of the order dated 31.05.2023 has carried out the directions passed by the civil court in Title Suit No. 237/2023 and to that effect, the petitioner has communicated to the Inspector-in-Charge, Chinsurah Police Station.

The petitioner now claims that the situation has totally changed because of the dominance created by the landlord in and around the tenancy premises and no police assistance is being rendered which has in fact led to closure of the business of the petitioner.

In case there has been no modification or alteration of the order dated 31.05.2023 passed by the civil court, I direct that in case the petitioner takes out an application before the learned Civil Judge who is already in seisin of the dispute in Title Suit No. 237/2023 and there are specific directions for removal of the bricks which have been stacked for which free egress and ingress of the petitioner is being stalled, in that case the police authorities would respect, obey and implement the order of the civil court. For the time being, the police authorities would keep a vigil and ensure that the condition

which was prevailing on 19.07.2023 pursuant to the communication made by the petitioner is not altered in any manner until and unless the earlier order dated 31.05.2023 has been modified or set aside by the same court or any higher forum of the Civil Judge (Jr. Division), 1st Court, Chinsurah, Hooghly.

With the aforesaid observations, the writ petition being WPA 16453 of 2023 is disposed of.

There will be no order as to costs.

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.)