

D/L 5
07.08.2025
Bpg.
ct.no.35

W.P.A.16927 of 2025

**Nitesh Chandra Bhowmick & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Niladri Saha
Ms. Madhurima Basu
Ms. Pallabi Ghosh.
...for the petitioners.

Ms. Jhuma Chakraborty
Ms. Rupsha Chakraborty.
...for the State-respondents.

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

Petitioners are aggrieved by the fact that in
spite of a decree being passed in favour of the
petitioners in T.S.49 of 2021, the private respondents
are interfering with the property of the petitioners and
creating obstruction in peaceful enjoyment of the
same. Learned advocate appearing for the petitioners
has drawn the attention of the Court to the operative
part of the decree passed in T.S.49 of 2021 which is
as follows:

“20. That the instant suit be and the
same is hereby decreed against the
defendants no.01 to 08 without any cost.

21. It is hereby declared that the plaintiffs have absolute right, title, ownership at the tune of 2/3rd of the suit property.

22. The defendants no.01 to 08 are hereby restrained from dispossessing the plaintiffs from the suit property forcibly or unlawfully. They are also restrained from creating disturbance from enjoyment of the suit property by the plaintiffs.”

Learned advocate for the State has submitted that the police authorities have been prompt in taking action and has drawn up proceedings under Section 126 of the BNSS against the respondent nos.5 to 12.

Having considered that the police authorities have already drawn up proceedings under Section 126 of the BNSS, I direct the police authorities to ensure that there is no breach of peace and tranquility and/or any interference with the rights of the petitioners until and unless the order passed by the learned Civil Judge (Junior Division), Raiganj, Uttar Dinajpur in T.S.49 of 2021 is interfered with or set aside by a higher forum.

With the aforesaid observations, WPA 16927 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted 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.)