

18.08.2025
Court No. 35
D/L. No.11
Rakib

W.P.A. 17963 of 2025

Sk Hossain Ali & Anr.
VS
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
...for the Petitioners.
Ms. Ratna Das
...for the State.
Mr. Aritra Roychowdhury
...for Private Respondents.

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

Petitioners are aggrieved by the fact that in spite of direction passed in Misc. Pre. 01/2019 wherein there has been an injunction order passed by the learned Civil Judge (Junior Division), 2nd Court, Bolpur, Birbhum, the private respondents in violation of the said order is trying to occupy the property of the petitioners by laying down brick, rubbish and other materials so that the portion of the land belonging to the petitioners can be used as a path. Petitioners complain that the same is a violation of the order of injunction passed by the learned Civil Court as there is a specific direction amongst other for not changing the nature and character of the property.

Learned advocate for the private respondents submit that although the Civil Court is in seisin of the issue and as such the police authorities have hardly any scope to interfere without specific directions of the Civil Court.

State has submitted a report. Report reflects that police authorities have found that a long standing land dispute is existing between the petitioners and the private respondents and to that effect proceeding under Sections 126/135 of BNSS have been drawn up.

Having considered that the Civil Court is in seisin of the issue, I am of the opinion that the police authorities have in an appropriate manner restrained themselves from exercising their powers. So far as the issue of construction of the pathway by violating the order passed by the learned Civil Court is concerned, petitioners submit that appropriate application has been preferred before the learned Civil Court. Learned Civil Judge (Junior Division), 2nd Court, Bolpur, Birbhum is directed to complete the hearing of the application of the petitioners within seven days from the next date so fixed.

So far as the police authorities are concerned they would only oversee that there is no violation of law and order.

With the aforesaid observations WPA 17963 of 2025 is disposed of.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to both the parties.

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.)