

D/L 31
11.08.2025
Bpg.
ct.no.35

W.P.A.17728 of 2025

**Swapan Mondal & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Pronojit Roy
Mr. Jamal Uddin.
...for the petitioners.

Mr. Saibal Acharya
Mr. Gourav Das.
...for the State-respondents.

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

Petitioners are aggrieved by the fact that
directions passed in T.S. No.123 of 2022 by the
learned Civil Judge (Junior Division), 1st Court,
Barasat as also specific directions being passed upon
the Inspector-in-Charge of Deganga Police Station did
not yield any result and the private respondents in
violation of the order pursued their illegal activities
and in spite of informing the police authorities, no
steps have been taken.

State has submitted a report. Report reflects
that earlier Deganga Police Station Case No.216 of
2025 dated 12.04.2025 was registered for
investigation and subsequently charge-sheet has been
submitted.

Having considered that the civil court as well as the criminal court are in seisin of the matter and in spite of the same, the police authorities was forced to draw up proceedings under Section 126 of the BNSS.

Petitioners would approach the jurisdictional criminal court in case there has been violation of law and order since charge-sheet has been submitted. So far as the breach of the civil court's order is concerned, petitioners would approach the jurisdictional civil court bringing it to the notice regarding the breach of the civil court's order. Both the courts would assess regarding the allegations which are being made and thereafter pass necessary directions as it deems fit and proper.

The police authorities have already drawn up proceedings under Section 126 of the BNSS, they would oversee that there is no violation of law and order which blown out of proportion.

With the aforesaid observations, WPA 17728 of 2025 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)