

D/L 9
18.08.2025
ct.no.35
Kausik

W.P.A. 17897 of 2025

**Md. Shamimuddin @ Mohammed Shamimuddin
Versus
The State of West Bengal & Ors.**

Mr. Sourav Chatterjee, Sr. Adv.
Mr. Satadru Lahiri
Mr. Sk. Samiul Haque

...for the Petitioner.

Ms. Ankita Nandi
Mr. Mukesh Khanna

...for the respondent no. 5.

Mr. Sabyasachi Mukherjee
Ms. Namrata Das
Mr. Subhamay Das
Mr. Mrinmay Nandy
Mr. Biswajit Mukherjee
Ms. Swastika Saha
Ms. Debjani Chakraborty
Mr. Ranabeer Halder

...for the respondent no. 7.

Mr. Dipanjan Datta
Ms. Sukanya Datta

...for the State.

Petitioner is aggrieved by the fact that in spite of directions passed by the learned Civil Judge (Junior Division), 3rd Additional Court, Alipore, 24 Parganas on 14.07.2025 and a subsequent order passed on 22.07.2025 upon the Officer-in-Charge, Gariahat Police Station, yet no steps have been taken.

State has submitted a report. Report reflects that although there are orders of the civil court. The private respondent No. 7 produced copies of trade licence in the name of his wife who is operating as the astrology consultant from the said premises which is the subject matter of dispute before the civil court.

Learned advocate appearing for the private respondent submits that since an alternative remedy is available, the writ petition is not maintainable.

Be that as it may, the main grievance of the petitioner is relating to the property referred to in the civil suit being T.S. No. 1089/2025. The police authorities have, by their report, expressed regarding the present prevailing situation. There are cases and counter-cases which are also reflected from the report. However, since for breach of a civil court's order, remedies are already available under the Civil Procedure Code, it would not be proper to invoke the powers under Article 226 of the Constitution of India. If the police authorities are facing any inconveniences for implementing the order dated 22.07.2025 they would send a report before the concerned civil court in seisin of the civil suit.

Learned advocate for the petitioner disagrees with the contents of the reference so far as it relates to the suit property concerned.

Be that as it may, having regard to the observations made above, further pendency of the writ petition is unwarranted.

Accordingly, WPA 17897 of 2025 is disposed of.

Report 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.

(Tirthankar Ghosh, J.)