

D/L 7
26.08.2025
ct.no.35
Kausik

W.P.A. 17933 of 2025

**Rabindra Nath Mondal
Versus
The State of West Bengal & Ors.**

Mr. Abhijit Sarkar
Mr. Raja Biswas

...for the petitioner.

Ms. Sarmistha Ghosh Sarma

...for the respondent no. 4.

Mr. Vivekananda Bose, Jr. Standing Counsel
Mr. Tirthankar Dey

...for the State.

Learned advocate appearing for the petitioner submits that in spite of title suit being TS No. 49 of 2017 pending before the learned Civil Judge (Junior Division), Kakdwip and an ad interim injunction passed by the said Court, the private respondents are violating the said order and the police authorities in spite of being informed are not taking any steps.

Learned advocate has referred to the communication made to the Officer-in-Charge, Dholahat Police Station. State has submitted a report. Report reflects that the petitioner and the respondent no. 4 are cousin-brothers and over the same land they are contesting before the Civil Court.

There is also a Bargadar namely, Ananta Mondal who is the father of the petitioner. The dispute and difference is continuing for a considerable period of time as the civil case is of the year 2017. From time to time police authorities have drawn up proceedings either under section 107 of the Cr.P.C or under section 126 of the Cr.P.C.

Having considered that the Civil Court is already in seisin of the issue and for breach of a Civil Court's order it would be the Civil Court which would adjudicate and arrive at a finding whether there has been any breach of such order, I am of the view that the police authorities by restraining themselves from interfering with such issues have acted in consonance with law.

Petitioner, if he is at all aggrieved by the act and action of the police authorities would approach the concerned Civil Court already in seisin of the dispute who would adjudicate the same as per provisions of law and if there are directions from the Court, police authorities will exercise their authority under the relevant provisions of law. In the meantime, police authorities would only ensure that there is no violation of law and order.

Learned advocate for the respondent no. 4 is present and reiterates regarding the contention

advanced that the respondent no. 4 is contesting before the Civil Court. In view of the directions passed above, further pendency of the writ petition is unwarranted.

Accordingly, WPA 17933 of 2025 is disposed of.

Report submitted be kept with the record. Copy of the report be handed over to both the parties.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)