

14.08.2025
Court No. 35
D/L. No.28
Rakib

W.P.A. 18327 of 2025

Md. Jalaluddin Ansari & Anr.
VS
The State of West Bengal & Ors.

Mr. Md. Mansoor Alam
Mr. Shagufta Jamal
Ms. Nargis Mansoor
...for the Petitioners
Mr. Swapan Banerjee, AGP.
Mr. Abhishek Gupta
...for the State.
Mr. Ayan Banerjee
Mr. Dhiman Banerjee
Mr. A. Chowdhury
...for Respondent nos. 6 to 9.

Learned advocate appearing for the petitioners drew the attention of the Court to the order passed in Title Suit no. 1011/25 by the learned Civil Judge (Junior Division), 3rd Court, Alipore wherein it has been directed by the learned Civil Court that the defendants are restrained from making any construction or encroaching any portion from schedule 'A' property. Learned advocate submits that in spite of such directions the private respondents did not carry out any illegal construction thereby encroaching upon the petitioners' property.

Learned advocate for the private respondent nos. 6 to 9 submit that the construction is progressing but at the property of the private respondents and the schedule referred to in the civil suit has not been interfered with and there no issue relating to encroachment.

Learned advocate for the State submits that since the information furnished reflects completely civil dispute

and the Civil Court is exclusively in seisin of the issue, no interference has been made by the police authorities.

Having considered that the primary grievance of the petitioners is in respect of encroachment of the property which is part of the civil suit, petitioners would approach the jurisdictional Civil Court already in seisin of T.S. No. 1011/25. If there is any breach of the order it would be the said Civil Court to adjudicate the issue. Police authorities, if required, would ensure that there is no violation of law and order.

With the aforesaid observations WPA 18327 of 2025 is disposed of.

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.)