

D/L 23
04.09.2025
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ct.no.35

W.P.A.20249 of 2025

**Shyam Sundar Ghosh
Versus
The State of West Bengal & ors.**

Mr. Amitabha Ghosh.
...for the petitioner.

Mr. Debopriya Chatterjee
Mr. Tirthankar Dey.
...for the State-respondents.

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

Petitioner apprehends that because of the construction raised by the private respondent no.7, petitioner's building may be collapsed. There is an order of injunction. An application under Order XXXIX Rule 2A of the Civil Procedure Code has been filed at the behest of the petitioner being Misc. Case No.11 of 2024 which is pending before the learned Civil Judge (Junior Division), 2nd Court, Barrackpore.

State has submitted a report. Report reflects that a civil suit is pending. A proceeding under Section 107 of the Cr.P.C. was earlier drawn up.

I have taken into account the agony and anxiety of the petitioner so far as this property is concerned, but the police authorities will not be able

to implement the order without an appropriate direction from the civil court.

Records also reflect that a Misc. Appeal is pending although there is no interim order as submitted by the learned advocate appearing for the petitioner as well as the State.

In view of the application under Order XXXIX Rule 2A of the Civil Procedure Code pending before the jurisdictional civil court, I direct that within a period of three months from the next date so fixed, the learned civil court would take into account the predicaments faced by the petitioner and until and unless there is any specific direction from the appellate court, the learned Civil Judge (Junior Division), 2nd Court, Barrackpore would proceed with such application keeping in mind the inconveniences faced by the petitioner. If there are specific directions upon the police authorities by the civil court, police authorities would respect and obey such order.

With the aforesaid observations, WPA 20249 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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

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.)