

18.09.2025
Item No.57
Ct. No.35
dc.

W.P.A. 21695 of 2025

Smt. Juthika Dey
versus
The State of West Bengal & Ors.

Mr. Debasis Nandi,
Mr. Kumaresh Dalal ... For the Petitioner.

Mr. Biswabrata Basu Mallick, AGP,
Mr. Sayan Ganguly ... For the State.

Mr. Triptimoy Talukder,
Mr. Jyotirmoy Talukder ... For the Respondent No.9.

Mr. Palash Mukherjee,
Ms. Tanaya Adhikary ... For the Respondent Nos.11 & 12.

Affidavit-of-service filed in Court today be
kept with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.

Petitioner has preferred a representation to
the Inspector-in-Charge, Uttarpara Police Station
and is aggrieved that she is being resisted from
construction, although the Municipality has
granted a sanctioned plan. The representation itself
reflects that a civil suit being T.S. No. 693 of 2024
has been preferred by the petitioner wherein an
ad interim injunction was granted on 10.12.2024
so that the right of egress, ingress and construction
is not resisted.

Learned advocate appearing for the private
respondent nos. 11 and 12 challenges the
maintainability of the writ petition in view of the
civil court being in seisin of the issue.

State has submitted a report which reflects that the private respondents filed a civil case being T.S. No. 130 of 2023 where no injunction was granted and subsequently in Misc. Appeal No. 17 of 2023, initially *ex parte* injunction was granted which was subsequently vacated. The report also reflects relating to T.S. No. 693 of 2024.

Petitioner has relied upon an earlier order dated 19.08.2025 passed by this Court in WPA 7168 of 2025 and claims that police authorities till date did not register any case.

Police authorities would register a case provided a cognizable offence is made out. So far as the issue relating to egress and ingress of construction is concerned in respect of the schedule property, since the civil court is already in seisin of the issue and if there is any breach of the said order, it would be for the civil court to adjudicate the same.

Police authorities would oversee that there is no violation of law and public order so far as the breach of peace is concerned. An overall surveillance be kept by the police authorities so that the situation is not blown out of proportion as *prima facie* it reflects that the petitioner and the private respondent nos. 11 and 12 are contesting before the civil court.

With the aforesaid observations, the writ petition being WPA 21695 of 2025 is disposed of.

There will be no order as to costs.

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.)