

D/L 62
18.09.2025
Bpg.
ct.no.35

W.P.A.21708 of 2025

**Sri Ajit Halder
Versus
The State of West Bengal & Ors.**

Mr. Dilip Kr. Shyamal
Mr. Gourab Ghosh.
...for the petitioner.

Mr. Answar Mandal
Mr. Tanweer J. Mandal.
...for the State-respondents.

Mr. Chandra Nath Sarkar
Mr. Sounak Mandal
Ms. Bipasha Bhattacharyya.
...for the respondent nos.5 & 6.

Petitioner is aggrieved by the fact that in spite of direction passed in Title Suit No.151 of 2017 on 19.08.2025 wherein the learned Civil Judge (Senior Division), 1st Court, Baruipur was pleased to direct the Officer-in-Charge, Kultali Police Station to ensure that the plaintiffs or the defendants should not do any act in connection with the property referred to in the suit which may amount to change of the nature, character and/or possession of the property. Petitioner complains that he has informed the concerned police station on or about 02.09.2025 that in violation of the order of the civil court, construction work is being carried out and the

petitioner is subjected to threat at the behest of the private respondents.

Learned Advocate for the private respondents disputes and denies the contentions and submits that since the civil court is in seisin of the issue, the petitioner would in the circumstances approach the civil court for breach of any order passed by the civil court. Learned advocate also submits that since no affidavits have been called for, the accusations made in the writ petition are deemed not to have been admitted.

State has submitted a report. Report reflects that already Kultali Police Case No.769 of 2025 dated 11.09.2025 has been registered for investigation.

Having considered that the police authorities have already taken steps by way of registration of the FIR, I am of the opinion that the police authorities are in knowhow of the situation prevailing particularly with regard to the strained relationship existing between the petitioner and the private respondents.

So far as the issue relating to construction, if any, is concerned, it would be for the civil court to assess whether there has been any breach of the order. Police authorities would keep a strict vigil and ensure that there is no violation of law and order or any breach of the peace and tranquility because of

the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, WPA 21708 of 2025 is disposed of.

There will be no order as to costs.

Report so 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.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)