

November 6, 2025

(6) ARDR

WPA 23427 of 2025

Pabitra Kumar Paul

Vs.

The State of West Bengal & ors.

Adv. Chinmoy Paul,

Adv. Aditi Bhattacharyya,

Adv. Archan Dutta,

...for the petitioner.

Adv. Supriyo Chattopadhyay,

Adv. Iti Dutta,

....for the State.

Supplementary affidavit filed by the petitioner and the report submitted by the State are taken on record.

None appears for the private respondent despite service.

Learned counsel for the petitioner submits that the petitioner has acquired right, title and interest in respect of the property in question and applied before the municipality for raising construction therein. The petitioner was unable to raise construction despite sanction being granted by the municipality due to dearth of fund. The petitioner alleges that the private respondent has demolished a portion of the boundary wall of the property and is trying to encroach the same illegally. A Title Suit has been filed by the petitioner wherein the learned Civil Court has granted interim injunction directing the defendant/respondent not to disturb his peaceful possession in respect of the property. The petitioner submits that despite such order, the private respondent is continuing to disturb the peaceful possession of the

petitioner therein and is threatening him with dire consequences.

Learned counsel for the State submits that the police authority has taken steps pursuant to the complaint lodged by the petitioner and has submitted the reports in the applications filed by the petitioner under Section 144(2) of the Code of Criminal Procedure. Both the parties have been requested to maintain peace and tranquility in the area.

The dispute is primarily civil in nature and a civil suit is pending. In view of the order of interim injunction granted by the learned trial Court the police authority is directed to take necessary steps with regard to the complaint lodged by the petitioner on 24th April, 2025 and keep strict vigil over the property in question so that no untoward incident takes place and the order passed by the learned trial Court is complied with in its true letter and spirit.

With the aforesaid observation and direction, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)