

18.02.2025
Court No. 35

Item No.16
Rakib

W.P.A. 24192 of 2023

Elahi Box & Ors.
VS
The State of West Bengal & Ors.

Mr. Manas Kumar Das,
Mr. Mobaidur Hossain,
Mr. Aritra Kumar Thokdar.
... for the Petitioners.

Mr. Wasim Ahmed,
Mr. Md. Shahabuddin.
... for the State.

Supplementary affidavit filed by the petitioners be kept with the record. It reflects that the grievance of the petitioners was in respect of encroachment of the property at the behest of the private respondent. To that effect petitioners approached the Civil Court and in TS 365/23 initially an ad interim injunction order was passed. Subsequently the said temporary injunction was extended till disposal of the suit. The nature of the injunction order was a status quo in respect of nature, character and possession of the suit property. Learned advocate submits that inspite of order of the Civil Court the private respondents have been pursuing with construction work.

Learned Advocate for the State submits that at the relevant point of time construction work was proceeding but presently pursuant to the orders being passed by the learned Civil Judge, Jr. Division, Additional Court, Berhampore no construction work is in progress.

Having considered that the Civil Court is already in seisin of the issues relating to dispute, in case there is any violation of the Civil Court's order petitioners would be at liberty to take out an appropriate application before the Civil Court praying for necessary police assistance for interference in respect of the violations of such order. The police authorities would respect, obey and implement the order of the Civil Court.

However, since petitioners and the private respondent are at loggerhead, police authorities would keep surveillance and ensure that there is no breach of the peace and/or tranquility which takes place and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

With the aforesaid observations WPA 24192 of 2023 is disposed of.

Report submitted by the State be kept with the record.

Copy of the report be handed over to the petitioner.

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.)