

D/L 81
24.01.2025
Bpg.
ct.no.35

W.P.A.30282 of 2024

**C.M.M.M. Enterprise
Versus
The State of West Bengal & Ors.**

Mr. Younush Mondal.
...for the petitioner.

Mr. Vimal Kumar Shahi
Ms. Pratiti Das.
...for the State-respondents.

Mr. Habibur Rahaman
Mr. Archisman Singh
Mr. Joydeep Biswas.
...for the respondent nos.6 to 8.

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

Petitioner is aggrieved by the fact that in
spite of ad interim order passed by the learned Civil
Judge (Junior Division), Barasat in T.S. No.961 of
2024, the police authorities are not taking steps for
restraining the private respondents when they are
interfering with the peaceful possession of the
property.

I find that the learned Civil Judge has passed
the ad interim injunction to the extent of not
changing the nature and character of the same. There
are no directions upon the police authorities.

Report has been submitted by the State which reflects that earlier respondent no.6 filed a Title Suit being No.671 of 2023 and there was ad interim injunction in favour of the private respondents. Report also reflects that a multi-storied building is lying abundant under lock and key.

Be that as it may, report also reflects because of the dispute and difference between the parties, Habra P.S. Case No.456 of 2024 has been registered for investigation. Subsequently also in the month of December, 2024, police authorities have drawn up proceedings under Section 126 of BNSS, 2023.

Having considered that there are no directions upon the police authorities for executing any order, petitioner and the private respondents are directed to approach the civil court with appropriate prayers under the relevant provisions of law for rendering police assistance. If such an order is passed, police would respect, obey and implement such order. In the meantime, the police authorities would keep a strict vigil and ensure that no breach of the peace takes place.

With the aforesaid observations, WPA 30282 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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.)