

**28.02.2025**  
Item No.12  
Ct. No.35  
dc.

**W.P.A. 30798 of 2024**

**Amit Kumar Ghosh & Ors.**  
**versus**  
**The State of West Bengal & Ors.**

Mr. Vinayak Chaubey,  
Ms. Ritika Pipalwa,  
Mr. Pawan Gupta                      ... For the Petitioners.

Ms. Sonal Sinha,  
Ms. Ashmita Chakraborty    ... For the State.

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. A copy of the report be handed over to the learned advocate appearing for the petitioners.

The petitioners refer to the order dated 18.01.2022 where in T.S. No. 34/2022, the learned Civil Judge was pleased to pass ad interim order of injunction. The main grievance of the petitioners is that in spite of direction for not disturbing the peaceful possession of the petitioners, the private respondents have been carrying out with illegal construction of installation of shallow water hand pump at the property of the present petitioners. Additionally it has been canvassed before this Court that in spite of informing the administrative authority including the police authorities, no action has been taken and the private respondents have been pursuing their construction.

Records reflect that on 14.11.2024, information was furnished to the Officer-in-Charge, Rajapur Police Station as well as to the S.D.O., Uluberia and B.D.O., Uluberia-II.

State has submitted a report which reflects that police authorities on receipt of the information on 14.11.2024, registered Rajapur Police Station Case No. 323/2024 dated 15.11.2024 and subsequently also on completion of investigation submitted charge-sheet under the relevant provisions of law.

In view of the case having been registered, petitioner would be at liberty to approach the jurisdictional Magistrate in seisin of Rajapur Police Station Case No. 323/2024 and the learned Magistrate on an application, if he finds that the private respondents are violating the order of the civil court, in that case the learned Magistrate would be at liberty to modify the conditions of bail to the extent of directing the private respondents to stay outside the jurisdiction of the local police station. It is further directed that the learned Magistrate would first ascertain regarding the correctness of the accusations. To that effect, learned Magistrate will pass necessary orders upon the concerned police authorities, ascertain and then pass the order as directed above.

With the aforesaid observations, the writ petition being WPA 30798 of 2024 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.)**