

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

Present:
THE HON'BLE JUSTICE JAY SENGUPTA

WPA 389 of 2025

Mastagir Alam & Ors.
Vs.
The State of West Bengal & Ors.

For the petitioners	:	Mr. Kunaljit Bhattacharjee Mr. Alok Sah Mr. Sayan Sinha
For the Respondent Nos. 6 to 22	:	Dr. Arjun Chowdhury Ms. Riya Agarwal Mr. Mahajyoti Guha
For the State	:	Mr. Pretom Das Mr. Sumit Kumar
Heard on	:	07.3.2025
Judgment on	:	07.3.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities, especially the respondent no. 4 to comply with the order dated 17.10.2023 passed by the learned Civil Judge, Junior Division at Jalpaiguri in Title Suit No. 141 of 2022.

Learned counsel appearing for the petitioners submits as follows. The petitioners are the owners of the schedule property in question. By an order dated 29.3.2023, learned Civil Judge, Junior Division, Jalpaiguri granted an injunction in

favour of the petitioners / plaintiffs, thereby restraining the defendants from causing interference in peaceful acts of possession of the plaintiffs and forbidding them from encroaching upon any portion of the suit property forcibly till disposal of the suit. In spite of this, defendants continued to violate the Court's order. They started plying big vehicles through the enjoined property. This prompted the petitioners to approach the Civil Court with a prayer for police help. By an order dated 17.10.2023, the Court directed the Officer-in-Charge, Manikganj under Kotwali Police Station to comply with the order. In spite of this, the police authorities have not complied with the order and the defendants continue to violate the Civil Court's order.

Learned counsel appearing for the private respondents denies the allegations and submits as follows. This is purely a civil dispute where the petitioners purchased the property from one of the co-sharers of the entire land without the others being informed. There is a "mela" / fair held every year. For such purpose necessary permissions are also granted. This is an attempt by the petitioners only to stall the said fair.

Learned counsel appearing for the State denies the allegations and submits as follows. The petitioners failed to describe the property, which lies within much a larger piece of land measuring 8.5 bighas. Unless the same is defined, it will not be possible for the police authorities to take any action in terms of the Civil Court's order.

If the police authority had any doubt, it would have been open to them to approach the Civil Court about the difficulty. However, the schedule of the properties must also have been mentioned in the plaint.

Be that as it may, when an order has been passed by the Civil Court to render police help, the police authorities are duty bound to comply with the order.

In view of the above, let the police authorities comply with the order passed by the Civil Court, if necessary, by taking help of the concerned B.L. & L.R.O. to better understand which is the exact portion of the land in respect of which action is required to be taken.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Jay Sengupta, J)