

09.02.2026
rc/ct.no.05
Item No.06

WPA No. 9585 of 2025
Santa Mahalanabish
Versus
The State of West Bengal & Ors.

Mr. Kushal Chatterjee
Mr. Imdodul Hoque
Mr. Oisaik Chatterjee ..for the Petitioner

Mr. Amal Kumar Sen
Mrs. Ashima Das (Sil) ...for the State

Affidavit of service filed by the petitioner and 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 was granted an order of ad interim injunction by the learned trial Court in Title Suit No. 151 of 2020 restraining the private respondent from making any further construction in the B Schedule property by encroaching upon the C Schedule property of the suit. The said order was made absolute subsequently. An application filed by the petitioner seeking implementation of the order was also allowed by the learned trial Court despite which the police authority has not implemented the said order and the private respondent is continuing to raise construction

by encroaching upon the C Schedule property in violation of the order of injunction.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that since the civil Court of competent jurisdiction has granted an order of injunction restraining the private respondent from raising any construction in the B Schedule property by encroaching upon the C Schedule property the Officer in Charge, Nagerbazar Police Station, being the 3rd respondent herein, shall keep necessary vigil in the area in order to ensure that the said order is not violated by the private respondent.

In the event of violation of the said order by the private respondent, the petitioner shall be at liberty to take necessary steps, in accordance with law.

The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ 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)