

Vacation Bench
D/L-8
31/12/2025
Ct. No.-7
Aritra

WPA 29814 of 2025

Chandan Kumar Sah
Vs.
The State of West Bengal & Ors.

Mr. Dipanjan Datta
Mr. Subhajit Chowdhury
Ms. Esha Basak

....for the petitioner

Mr. Gourav Das

....for the State

Learned advocate for the petitioner, learned advocate
for the State of West Bengal are present.

This application is directed against inaction on the
part of the police authorities in not implementing the
orders dated August 21, 2025 and September 20, 2025
passed by the learned Civil Judge (Jr. Div.), 2nd Court,
Serampore, Hooghly in Title Suit No.335 of 2025.

The grievance of the writ petitioner against the police
authorities is that the police authorities have not taken
any steps to implement the orders of the learned Civil
Court in spite of there being a specific direction. By the
order dated August 28, 2025, the prayer of the writ
petitioner was granted by the learned Civil Judge (Jr.
Div.), 2nd Court, Serampore, Hooghly in Title Suit No.335
of 2025. In the said order the learned trial court
restrained the respondent Nos.4 and 5 from creating any
disturbance in the peaceful possession of the petitioner
in the premises situated at 571/C, Baidyabati, Ram

Mohan Sarani, P.O.-Baidyabati, P.S.-Serampore, District-Hooghly. The said respondents were also restrained from dispossessing the writ petitioner forcefully.

It is the case of the writ petitioner that the petitioner's business premises has been put under lock and key by the respondent Nos.4 and 5 and in spite of the direction of the Civil Court, the police authorities have not taken any steps to remove the padlock and hence this writ petition.

The learned advocate appearing for the respondent Nos.1 to 3 has submitted a report, which is taken on record, wherein it is stated that the police authorities has visited the said shop room as follows:-

"7. That on 20.09.2025, the order of ad interim injunction was extended till next date with an additional order vide order no. 9 dated 20.09.2025 by directing I/C, Serampore PS to take necessary steps for implementation of order no. 5 dated 21.08.2025 and to keep vigilance so that the order passed by Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly, cannot be violated by either of the parties and to file a report by 14.11.2025. The copy of the said order of Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly has been annexed herewith as Annexure – "E".

8. That after receiving the order of Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly vide order no. 9 dated 20.09.2025, I/C Serampore PS endorsed SI Bikramjit for necessary police assistance and subsequently on 25.10.2025 after visiting the suit premises by the above noted officer along with force, they found that some articles of the

petitioner namely Chandan Kumar Sah were lying outside the shop and the house owner/private respondents had locked the shop with padlock which was a great impediment in complying with the said order no. 9 dated 20.09.2025 of the Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly. Under the above noted circumstances police being ready to comply with the said order of the Ld. Civil Court, prayed before Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly to pass necessary order for allowing to break the said padlock latched by the private respondents/defendants with a view to comply the order of Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly vide order no. 5 and 9 respectively. The copy of the compliance report and prayer for breaking the padlock made before Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly on 14.11.2025 has been annexed herewith as Annexure – “F”.

9. That at this moment police is ready to comply with the order of the Ld. Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly and willing to help the petitioner by all resources and means after getting order of allowing the police to break the padlock with a view to comply the said order of ad interim injunction vide order no. 5 dated 21.08.2025 and order no. 9 dated 20.09.2025.”

It is further stated by the police authorities that the police is ready to comply with the order of the learned Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly, if they are permitted to break open the padlock.

None has represented the respondent Nos.4 and 5, against whom the allegations are made in spite of service of notice.

In the facts and circumstances, this Court is of the view that a Special Officer should be appointed in this regard to visit the suit premises along with the police authorities and give an opportunity to the respondent Nos.4 and 5 to remove the padlock and failing which take steps to break upon the padlock and allow the writ petitioner to enter the said premises.

Thus, Mr. Sarthok Mondal, Advocate, Ph. No.7980142773 is appointed as a Special Officer.

The learned Special Officer shall issue notice to the parties and fix a date and time of visit to the property where the writ petitioner is running business and direct beforehand the respondents to remove the padlock.

In the event, such padlock is not removed, the learned Special Officer shall in presence of the police authorities break open the padlock and upon causing the padlock to be broke open, necessary report shall be submitted before the learned Civil Judge (Jr. Div.), 2nd Court, Serampore, Hooghly, communicating this order as well as the earlier order passed by the learned Civil Court.

Learned Special Officer is entitled to a remuneration of 700 GM to be paid by the writ petitioner.

This writ petition stands disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)