

December 7,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 1246 of 2020

**Dalhousie Jute Company
Versus
The State of West Bengal and others**

Mr. Kajal Ray,
Mr. Aditya Sen.
...for the petitioner.

Mr. Ashim Kr. Ganguly,
Mr. Bellal Shaikh.
...for the State.

Mr. Himadri Sikhar Chakraborty.
...for the private respondents.

The grievance of the petitioner is that, despite an order of injunction being passed by the civil court on August 30, 2019, the private respondents are flouting the same and the police is not taking any action for implementation of the civil court's order.

Such allegations are controverted on the behalf of the private respondents.

It appears from the records as well as from the submission of counsel that the petitioner has not yet approached the civil court itself with a prayer to implement its order of injunction. It is well-settled

that the civil court has ample powers to implement its order of injunction in several ways, including direction for police assistance.

Since the petitioner has not exhausted such remedy, it would be premature for this Court, in its writ jurisdiction, to enter into the merits of the civil dispute and/or to usurp the jurisdiction of the civil court in the matter, particularly since factual questions as regards allegations and counter allegations of violation of the injunction order are involved.

Accordingly, WPA 1246 of 2020 is disposed of by granting the petitioner liberty to approach the civil court for implementation of the order of injunction granted in favour of the petitioner, if there is any violation of the same. This Court, it is made clear, has not entered into the merits of the dispute.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)