

8
SK
Ct. No. 19
14.10.2020

W.P.A. 6338 of 2020
CAN 1 of 2020 (Old No : CAN 4882 of 2020)
CAN 2 of 2020
(CAN application not found)

(Via Video Conference)

Bhupati Charan Maity & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Jayed Hossain ... For the petitioners.

Mr. Mrinal Kanti Mukherjee
... For the private respondent.

The petitioners complain that the private respondents are causing disturbance in the peaceful possession of the petitioners over their land by violating an order of injunction passed by a competent Civil Court in a pending suit between the petitioners and the private respondents but the police authorities are not taking any action to protect the said possession of the petitioners.

On perusal of the records it appears that an order of injunction has been passed by the Civil Court in a suit between the petitioners and the private respondents directing the parties to the said suit to maintain status quo in respect of possession, nature and character of the suit property.

The remedy for violation of the said order of injunction is available to the petitioners under Order

XXXIX Rule 2A of the Code of Civil Procedure before the Civil Court where the said suit is pending.

The constitutional writ jurisdiction under Article 226 of the Constitution of India cannot be invoked for implementation of the said order of injunction.

In view of the above I find no merit in this writ petition.

W.P.A. 6338 of 2020 is therefore dismissed.

The connected applications being CAN 1 of 2020 (Old No.: CAN 4882 of 2020) and CAN 2 of 2020 are disposed of accordingly.

No order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)