

D.L. 29.
14.09.2020
S.R. & S.D.

W.P.A. 6671 of 2020
With
CAN 1 of 2020
(Old No. CAN 5538 of 2020)

Sk. Ramjan Ali
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Prasenjit Debnath
.....for the petitioner.

Mr. Santanu Kumar Mitra
.....for the State.

In re: CAN 1 of 2020 (Old No. CAN 5538 of 2020)

This application for urgent hearing of the writ petition is disposed of by taking up the writ petition for consideration.

Petitioner complains of police inaction.

Learned Advocate appearing on behalf of the petitioner draws the attention of the Court to the order dated May 28, 2020 passed in Title Suit No. 125 of 2020. He also relies upon an order dated July 10, 2020 passed by the learned Executive Magistrate.

Learned Advocate appearing on behalf of the petitioner submits that, despite the defendant in the suit being restrained

from creating any disturbance in the peaceful possession of the plaintiff over the property, the private respondents are continuing with their illegal activities. The police are inactive.

Learned Advocate appearing on behalf of the State submits that, prior to the interim order dated May 28, 2020 being granted, the police submitted prosecution under Section 107 read with Section 116. Subsequent to the order dated May 28, 2020 passed by the Suit Court also, similar prosecution was submitted.

It appears from the records made available to the Court that, there are civil disputes between the private parties. The petitioner filed Title Suit No. 125 of 2020 in which an *ex parte* ad interim order dated May 28, 2020 was passed restraining the defendant in the suit from creating any disturbance in the peaceful possession of the plaintiff over the suit property. Writ Courts should be slow in implementing interim orders. It would be slower to implement an *ex parte* ad interim order. The Courts in *seisin* of the proceedings passing such *ex parte* ad interim order or interim order are yet to decide on the issues finally.

In the facts of the present case, since the police have taken steps as noted above, no further interference is called for.

W.P.A. 6671 of 2020 is disposed of accordingly without
any order as to costs.

(Debangsu Basak, J.)