

WPA 7936 of 2020

Sri Purnima Halder & Ors.

Vs.

The State of West Bengal & ors.

Mr. Rajdeep Bhattacharya,

Mr. Sanjib Sankar Majumdar,

...for the petitioners.

Mr. Soumya Banerjee,

...for the respondent nos. 7 & 11.

Mr. N. C. Behani,

...for the State.

The petitioners complain of police inaction.

Learned advocate for the petitioners submits that, despite of an order of injunction dated December 10, 2018 and a subsequent order dated December 21, 2018 directing police assistance, the police are inactive despite complaint.

State and the private respondents are represented.

Learned advocate for the State submits on instruction that, the petitioners did not complaint for the period from the date of the order dated December 10, 2018 till sometime in 2020 when such complaint was lodged with the Superintendent of Police. Immediately on receipt of such complaint, the police enquired into the matter and submit a prosecution under Section 107 of the Criminal Procedure Code.

A writ Court is slow to intervene in an *ex-parte* ad-interim order of injunction. The order is yet to attain its finality. However, in the facts of the present case the

records demonstrate that the private respondents as defendants were aware of the order of injunction since 2018 itself. In fact, the order-sheet of the suit as annexed to the writ petition demonstrates that, the private respondents obtained repeated extensions of time to file written objection to the injunction petition even by payment of costs.

In the facts of the present case the since police acted on the basis of a complaint received and submitted a prosecution under Section 107 of the Criminal Procedure Code, no further interference is called for. It is clarified that, none of the observations made in this order will prejudice any of the parties in the pending suit. The private respondents are at liberty to avail of their remedies before the appropriate forum in accordance with law.

Learned advocate for the petitioners submits that, the private respondents are regularly violating the subsisting interim order.

It would be open to the petitioners to approach the court in seisin of the suit to agitate such point. It is also open for the petitioners to avail of their remedy before the appropriate forum in accordance with law.

WPA 7934 of 2020 is disposed of.

(Debangsu Basak, J.)