

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 10191 of 2020

(Through Video Conference)

**Niranjan Sikari
-versus
The State of West Bengal & Ors.**

Mr. Sandip Kumar Mondal
...for the petitioner

The petitioner alleges that, despite an order of *status quo* having been passed by a civil court in favour of the petitioner, the police authorities are not taking any step for implementation of the same.

However, it is well-settled that the petitioner has recourse before the civil court itself to have its own order implemented. Although the petitioner submits that only computerized filings are being dealt with by the trial court, creating delay in the disposal of such matters, such reasoning *ipso facto* cannot confer jurisdiction on this Court to pass an order for implementation of injunction; more so, because such an order would open an unnecessary floodgate despite an equally efficacious alternative remedy being available. Moreover, if such an application is made before the civil court, the court shall have a wider option of exploring the factual veracity of the allegations

made in the application, which is limited in case of the writ court.

In such view of the matter, W.P.A. No. 10191 of 2020 is dismissed as not maintainable, with liberty to the petitioner to approach the appropriate civil court regarding alleged non-implementation of the order of injunction passed in favour of the petitioner.

If such an application is made before the civil court, the court shall dispose of the same as expeditiously as the business of the said court permits, without granting any unnecessary adjournment to either side.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)