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28.01.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 998 of 2019

Sri Pramod Agarwal
Vs.
State of West Bengal & Ors.

Mr. Sunil Kr. Sarkar.....for petitioner

Mr. Bikramaditya Ghosh
Mr. M. Rahaman.... For State

It is alleged that despite directions from the learned Civil Court dated June 25, 2019 passed in Title Suit No. 78 of 2019 by the learned Civil Judge, Junior Division, Siliguri to see that the order of the Court was not violated and the order was obeyed by both the parties have, the officer-in-charge, Bagdogra Police Station has failed to take steps in compliance thereof.

The petitioner has filed several representations before the Inspector-in-Charge, Bagdogra Police Station requesting the said police officer to comply with the order of the learned Civil Judge. All the representations are on record. Even the Commissioner of Police, Siliguri Police Commissionerate was approached by the petitioner by a representation dated August 06, 2019.

Although the petitioner has the liberty to file an application under Section 36 of the Code of Civil Procedure for execution of the order of the learned Civil Judge, yet, it is also the duty of the police authority to obey the orders passed by the Civil Court.

The writ petition is disposed of with a direction upon the Commission of Police, Siliguri to dispose of the representation of the petitioner dated August 06, 2019 in view of the specific allegation levelled by the petitioner against the Officer-in-Charge, Bagdogra Police Station to the effect that despite an order of the learned Civil Court, the said officer is not taking any steps for implementation of the order of the learned Civil Judge, Junior Division, Siliguri.

Such consideration shall be made within a period of ten days from the date of communication of this order.

The writ petition being WPA 998 of 2019 is thus disposed of.

There shall, however, be no order as to costs.

Urgent certified Photostat copy of this order, if applied for, be supplied to the parties upon compliance of usual formalities.

(SHAMPA SARKAR, J.)