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SK
Ct. No. 18
18.02.2021

**C.O. No. 326 of 2021
(Via Video Conference)**

**Freehold Promoters LLP & Ors.
Vs.
Bandana Pal & Ors.**

Mr. Sourav Sen,
Mr. Tanoy Chakraborty,
Mr. Kusal Bhattacharjee,
Mr. Chhandak Dutta ... For the petitioners.

Mr. Anirban Ray,
Mr. Sayak Ranjan Ganguly,
Ms. B. Sen ... For the opposite parties.

Affidavit of service filed in Court today be kept with the record.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for recovery of possession with other consequential reliefs and is directed against the latter part of the order dated January 28, 2021 passed by the 5th Court of learned Civil Judge, (Senior Division), at Alipore, District 24 Parganas (South).

The learned trial Judge by the order impugned has allowed an application under Section 151 of the Code of Civil Procedure filed by the plaintiffs/opposite parties by directing the concerned Police Officer to look into the matter and see that the ad interim order of injunction passed in the suit is not violated in any manner or form by either of the parties.

The power of the Civil Court to direct the Police authorities to implement its order is well recognized but such power is subject to the restriction that it should be sparingly exercised and only in a deserving case.

The order impugned discloses no reason, as such it cannot be ascertained whether the present case qualifies the above requirements or not.

The order impugned, therefore, suffers from jurisdictional error and is accordingly set aside.

C.O. 326 of 2021 is allowed with a direction upon the learned trial Judge to decide the said application under Section 151 of the Code filed by the plaintiffs afresh in accordance with law.

It is made clear that this Court has not gone into the merit of the said application.

In view of the nature of the said application, it is expected that the learned trial Judge shall make all endeavour to dispose of the same expeditiously and in doing so shall not grant any unnecessary adjournment to either of the parties.

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.)