

7
23.03.2021
sb
Ct23

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4169 of 2020

Ashoke Kumar Acharya
Vs.
The State of West Bengal & Ors.

Mr. Aniruddha Bhattacharya,
Mr. Abhijit Pal
... For the petitioner.

Mr. Biswajit Dutta
... For the State.

Mr. Saibal Acharya,
Mr. Kallol Kumar Maity
... For the respondents no.7 to 12.

Affidavit of service filed in Court today is
taken on record.

The petitioner alleges inaction on the part
of the police authorities on the ground that the police
authorities have not taken any step as against the
respondent no. 7 to 12 (private respondents), despite
specific complaint having been made as against them
for violating the order passed by the learned Civil
Judge (Senior Division), 2nd Court, Contai, in T.S.
No.67 of 2001.

On behalf of the private respondents it is
submitted that none of them have violated the order
passed in the suit, as alleged by the petitioner.

On behalf of the State, it is submitted that
after receiving the complaint from the petitioner a

General Diary Entry (in short, G.D.E.) being Marishda Police Station GDE No.973 dated 21.01.2020 was registered. The Assistant Sub-Inspector, Sk. Samser Noor Hossain has conducted local enquiry and on the basis of the information collected in course of such investigation, the police authorities have initiated a case under section 107 of the Code of Criminal Procedure 1973 (in short, Cr. P.C.), against the respondent no.7.

The instructions received by the advocate from the Officer-in-Charge, Marishda P.S., Purba Medinipur, signed on 16th March, 2020, made over to Court in this regard is taken on record.

After considering the report it appears that the allegation of police inaction is not substantiated. The petitioner's remedy if any lies in approaching the Civil Court wherein the suit is pending and seeking police help if necessary. The police authorities, however, are obliged to see that the order passed by a competent Civil Court, till the same is in subsistence, is being enforced, carried out and complied with.

The writ petition is disposed of by directing the Officer-in-Charge, Marishda Police Station, Purba Medinipur, to see that order passed by the learned Civil Judge (Senior Division), 2nd Court, Contai, in T.S. No.67 of 2001 is not violated and ensure that there is no breach of peace in the locale owing to any

violation of such order.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)