

17.06.2021

Item no. **26**

Dd

(Through Video Conference)

WPA 10541 of 2021

**Ganesh Prasad Bhagat
Vs.
The State of West Bengal & Ors.**

Mr. Kaushik Choudhury

Mr. B. Khatun

... .. For the Petitioner

Ms. Karabi Roy

Mr. Ashim Kumar Ganguly

... ..For the Respondents

The petitioner complains of police inaction. Learned advocate for the petitioner submits that the petitioner obtained an order of injunction on January 8, 2021 restraining the private respondents from making any construction over the suit property. Such order of injunction is still subsisting. The private respondent in breach of such order of injunction is continuing with the construction. The petitioner approached to the court complaining of such violation of order of injunction. Such application is pending. The police despite receipt of the complaint are not taking any action thereon.

Learned counsel appearing for the State submits that the compliant of the petitioner was

registered as First Information Report and one person was arrested. Such person obtained bail on June 1, 2021.

In the facts of the present case, it appears that there exists an order of injunction dated January 8, 2021 restraining the private respondent from making any further construction over the suit property. The petitioner alleges violation of such order.

In such circumstances, it would be appropriate to direct the police authority to take photographs of construction existing at present. The police authorities will ensure that no further construction occurs at the locale, in any manner whatsoever. The private parties are at liberty to have their disputes settled before the appropriate forum. This order will not prevent the Court in seisin of TS No. 01/21 in which the order dated January 8, 2021 was passed from passing appropriate orders in such suit and the applications pending therein.

Since the police already took steps as noted above no further interference is called for.

WPA 10541 of 2021 is disposed of accordingly.

(Debangsu Basak, J.)