

AD. 79.
June 25, 2021.
MNS.

C. O. No. 1210 of 2021
(**Via video conference**)

Sri Tarak Nath Roy
Vs.
Sri Nani Saha and another

Mr. Kushal Chatterjee,
Mr. Debabrata Roy

... for the petitioner.

Since no service is directed on the opposite parties in view of the innocuous nature of the order proposed to be passed, it is deemed that none of the allegations made in the present application under Article 227 of the Constitution of India are admitted by the opposite parties.

Learned counsel for the petitioner points out that although, by the impugned order dated June 21, 2019, the trial court had granted police help to implement a previous order of mandatory injunction by the said court, no compliance report was sought from the police authorities. Taking advantage of such scenario, it is alleged, the opposite parties have not yet delivered possession of the property-in-question to the petitioner and the police are not taking appropriate action on the impugned order.

The purpose of justice would be subserved if the trial Judge is directed to seek a compliance report from the Officer-in-Charge, Topsia Police Station, regarding the status of compliance with the impugned order within a limited period.

Accordingly, C. O. No. 1210 of 2021 is disposed of by directing the Civil Judge(Senior Division) at Sealdah, District- North 24 Parganas, to direct the Officer-in-Charge of Topsia Police Station to file a compliance report with regard to Order No. 30 dated June 21, 2019 passed by the said court in Title Suit No. 190 of 2010, within a week from communication of this order to the court below and to ensure that the order of mandatory injunction is peremptorily complied with, upon proper assistance being rendered by the police authorities. If necessary, in order to give effect to this direction in its letter and spirit, the trial court can pass further directions/orders, for the implementation of its own order.

The trial court shall act on the written communication of the learned advocate for the petitioner and/or a server copy of this order without insisting upon prior production of a certified copy.

The petitioner shall communicate this order by June 29, 2021 to the court below as well as to the opposite parties and/or the learned advocate appearing for the opposite parties in the court below.

It is expected that the police authorities will act on such direction of the trial court in order to give effect to the order dated June 21, 2019 passed by the court below.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

