

23.07.2021
Ct. No.13
Sl. No.116
pk/akd

W.P.A. 11161 of 2021 [via video conference]

[Subhas Chandra Majee -Vs- The State of West Bengal & Ors.]

Mr. Gouranga Kumar Das
... .. for the petitioner

Mr. Sukanta Chakraborty
Mr. Anindya Halder
... for private respondent

Mr. Jaharlal Dey
Mr. Simanta Kabir
... .. for the State

The writ petitioner claims that the private respondents are violating orders passed by the learned Civil Judge (Junior Division), Kakdwip, South 24-Parganas in Title Suit No. 133 of 2020. It is submitted that by the status quo and injunction have been ordered by the court below. The petitioner claims to have filed an application under Section 144 of the Code of Criminal Procedure and has also approached the local police station and the Superintendent of Police in this regard.

The normal process of enforcement of an order of injunction is under Order 39 Rule 2A of the Code of Civil Procedure.

The petitioner may approach the court below with a suitable application under Order 39 Rule 2A of the Civil Procedure Code. Since the petitioner has effective alternative remedy and has not exhausted the same, the writ petition cannot be entertained.

The writ petition is dismissed.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)