

27.07.2021

Ct. No.13

Sl. No.144

pk/akd

W.P.A. 11304 of 2021 [via video conference]

[Natural Merchants Pvt. Ltd. & Ors. -Vs- The State of West Bengal & Ors.]

Mr. Rahul Karmakar

Mr. Saptarshi Datta

... .. for the petitioners

Mr. Bratin Kumar Dey

Ms. Anjana Banerjee

... for respondent nos.4 to 8

Mr. Anirban Ray .. Ld. Govt. Pleader

Mr. Jishnu Chowdhury

Ms. Amrita Panja Moulick

... .. for the State

The writ petitioners are aggrieved by the fact that notwithstanding the order of injunction issued by the learned 2nd Civil Judge (Senior Division), Barasat in Title Suit No.139 of 2021, the private respondents are encroaching upon their property. Learned counsel appearing for the private respondents submits that there is no encroachment. Police help is sought by the petitioners to enforce the order of the civil court.

This Court is of the view that for the purpose of enforcement of civil court's order, it is the said civil court that has to be approached first since it is the civil court who is best placed to appreciate the scope and purport of its own order.

With the aforesaid observations, the writ petition is disposed of, however, reserving liberty to the writ petitioners to approach the civil court for any relief.

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.)