

06.12.2021
Court No.13
Item No.56
AP

WPA 15420 of 2021

Aparna Kar
Vs.
The State of West Bengal and Ors.
(Through Video Conference)

Mr. Bhaskar Chandra Manna

... For the Petitioner.

Ms. Chama Mukherjee
Ms. Manika Pandit

... For the State.

Mr. Bharat Chandra Simai

... For the Respondent Nos.7 and 8.

Affidavit of serviced filed in Court today be kept with the record.

The petitioner complains that the private respondents who are family members, are effecting construction in violation of orders of status quo passed in TS No.317 of 2014. The private respondents are changing the nature and character of the property.

Learned counsel for the petitioner submits that the said Civil Suit is pending before the Civil Judge (Senior Division), 1st Court, Contai.

Learned counsel for the petitioner further submits that in view of the illegal construction being made by the private respondents, the petitioner has lodged a complaint with the Egra Police Station, which has not been attended to. Complaints are also stated to be made to the Sub-Divisional Police Officer, Egra and Superintendent of Police, Purba Medinipur.

This Court is of the view that the grievance of the petitioner is primarily with regard to the violation of an order passed in the pending civil suit and the remedy of the petitioner is before such Court under Order 39 Rule 2A of the Code of Civil Procedure.

It is further submitted that the Civil Court was earlier not functioning in view of the pandemic but it is working now.

With liberty reserved to the writ petitioner to approach the Civil Court under the appropriate provisions of law inter alia as indicated hereinabove, the writ petition is disposed of.

However, it is ordered that the Officer-in-Charge, Egra Police Station shall ensure that there is no breach of peace in the area.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)