

25.11.2021

Court No.13

Sl.55

pk

W.P.A. No. 16947 of 2021

Prohlad De

Versus

State of West Bengal & Ors.

(Through Video Conference)

Mr. Rajdeep Bhattacharya,
Ms. Anchita Sarkar

...for the petitioner.

Mr. Soumitra Mukherjee,
Mr. Nilotpal Chatterjee

... for the State.

Mr. Sayantan Chatterjee

... for the respondent no. 7.

The writ petitioner complains that the District Judge, Alipore in Misc. Appeal No. 96 of 2020 has ordered injunction against the private respondent which is being violated by them. Complaint to the local police has not yielded results.

This Court is of the view that a writ Court does not normally enforce an order or decree of a civil court. The remedy of the petitioner is under Order 39 Rule 2A of the Code of Civil Procedure.

It is made clear that this Court has not entered into the rival claims of the parties and the issue is left to be decided appropriately by the trial court.

Since no affidavit has been used by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)