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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 9270 of 2020

(Through Video Conference)

M/s Bengal Industrial Corporation

-vs.-

The State of West Bengal & Ors.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the petitioner

Ms. Sutapa Sanyal
...for the State-respondents

Mr. Samrat Chowdhury,
Mr. Sandip Das
...for the respondent no. 5

The grievance of the petitioner is that, despite the existence of an order dated August 26, 2020 of a Division Bench of this Court, passed in F.M.A.T. No. 358 of 2020, which arises from a civil suit, observing that the petitioner shall not be evicted from the suit property in its possession without due process of law, the respondent nos. 6 and 7 are threatening dispossession of the petitioner and disturbing the peaceful possession of the petitioner in respect of the disputed property.

Learned counsel appearing for the petitioner relies upon a copy of the order dated August 26, 2020, passed by the Division Bench, annexed at page 58 of

the writ petition, in that regard. Learned counsel also places reliance on complaints lodged by the petitioner, to the effect that the ingress and egress of the petitioner was being hampered by the men and agents of the respondent nos. 6 and 7.

Learned counsel appearing for the respondent no. 5/landlord submits that the matter is already *sub judice* before a civil court and that there has been no violation of the observation of the Division Bench on the part of the respondent no. 5.

Learned counsel appearing for the respondent-authorities submits that several cases have been registered on the separate complaint of the petitioner and investigation is duly going on in that regard.

Although there is substance in the contentions of the respondents that there ought not normally to be interference by the writ court in view of the dispute being *sub judice* in a civil court, the Division Bench order dated August 26, 2020 passed in F.M.A.T. No. 358 of 2020 stares at the face. Such order, being passed in connection with an order passed by the civil court, is deemed in law to have merged with the civil court's order, having the same sanction as an order passed by the civil court.

In any event, it is a duty of the police authorities to see it that no order of court, in the present case of

the Division Bench of this Court, as merged with the civil court's order, is flouted by any of the parties.

In such view of the matter, W.P.A. No. 9270 of 2020 is disposed of by directing the respondent no. 4 to immediately look into the matter, treating the present writ petition as a further complaint of the petitioner and to afford adequate police protection to the petitioner, at the cost of the petitioner, in respect of the premises-in-question, subject to the result of the civil suit pending before the civil court.

The respondent no. 4 shall, upon a preliminary assessment, intimate the petitioner as regards the cost involved for affording such police protection. Immediately upon deposit of such costs by the petitioner and till such assessment is done, the respondent no. 4 shall ensure that appropriate and adequate protection is granted to the petitioner in respect of its possession of the disputed premises, subject to any order being passed in the civil suit between the private parties.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)