

48
10.03.2021
TN

WPA 10638 of 2020

(Via video conference)

Bholanath Mondal

Vs.

The State of West Bengal and others

Mr. Rajdeep Bhattacharya,
Ms. Sevanti Roy

... for the petitioner

Mr. Lalit Mohan Mahata,
Mrs. Jhuma Chakraborty

.... for the State

The petitioner alleges that despite an injunction order being passed by a civil court, the private respondents are violating such order. On such alleged violation, the petitioner approached the police authorities but no steps have been taken by the police for implementation of the said order of the civil court.

Learned counsel appearing for the State-respondent files a police report which primarily indicates that the dispute is civil in nature and a criminal case under Section

144(2) of the Code of Criminal Procedure has been filed by each of the contesting parties, which are pending.

The police report filed in court today be kept on record.

Since the allegations relate to violation of an order of a competent civil court, a prima facie adjudication is required on the question as to whether the private respondents are actually violating such order and, if so, in what manner. Such adjudication ought not to be undertaken by the writ court in view of the pendency of the matter before a competent civil court.

Accordingly, WPA 10638 of 2020 is disposed of by granting the petitioner liberty to approach the civil court for implementation of its order by police help and/or in any other manner as the petitioner deems fit. If such an application is made, the civil court shall decide the same expeditiously upon giving opportunity of hearing to both the contesting parties and pass appropriate orders without being prejudiced by any of the observations made in this order.

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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)