

6th January,
2021
(AK)
22

W.P.A 11304 of 2020

Annapurna Barai
Vs.
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath
...For the Petitioner.

Mr. Raja Saha
Ms. Rupsha Chakraborty
...For the State.

The report filed by the respondent authorities in court today be kept on record.

Learned counsel for the petitioner, in his usual fairness, submits that the private respondents herein have not yet been served.

However, the respondent authorities are represented along with the petitioner today.

The petitioner has filed a civil suit and obtained an order of injunction against the defendants therein (who are not parties to the present writ petition).

Learned counsel for the petitioner urges that on previous violation of the injunction order by the defendants in the suit, the police were approached and ultimately the writ petition, bearing W.P. 2559(W) of 2019 had to be preferred.

The writ petition culminated in an order dated March 18, 2019, passed by a coordinate bench, directing

the police authorities to implement the order of injunction.

Thereafter, it is alleged the present private respondents, who are alleged to be agents of the defendants in such suit, have started disturbing the petitioner's possession in respect of the disputed property in violation of the injunction order.

The petitioner approached the police authorities but, it is alleged, the police have not taken appropriate action in that regard.

From the materials-on-record and the report in the form of instruction filed on behalf of the respondent authorities today, it appears that investigation is going on with regard to the complaints of assault, damage of property, criminal intimidation etc. lodged by the petitioner and charge sheet has already been filed by the police in that regard.

Be that as it may, as far as the present respondents are concerned, it cannot be held *ex facie* that the said respondents are agents of the defendants in the petitioner's suit and, as such, bound by the order of injunction.

If the petitioner makes such allegations, the petitioner has to approach the Civil Court which granted the injunction. If so approached, the Civil Court has to enter into the question as whether the present private respondents are acting as agents of the defendants in the suit and the alleged acts of the present respondents

amounts to contravention of the said injunction order by the defendants themselves.

As it appears from the police report, the police authorities have already taken sufficient steps in discharging their duties in the matter.

W.P.A. 11304 of 2020 is thus disposed of by granting the petitioner liberty to approach the Civil Court with the allegation that the present private respondents are acting as agents of the defendants in the suit and violating the order of injunction and/or for addition of the private respondents as parties to the suit to get appropriate relief.

If such an application is made, the Civil Court shall decide the same on its own merits without being prejudiced in any manner by any of the observations made herein.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)