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

**W.P.A. No. 11367 of 2020**

**Raghunath Banerjee & Anr.  
Vs.  
The State of West Bengal & Ors.**

Mr. Bhudeb Chatterjee,  
Mr. Sanjib Kumar Ghosh  
... for the petitioners

Mr. Kapil Guha  
...for the respondent-authorities.

Learned counsel for the petitioners submits that, despite the petitioners having obtained an order of injunction from the civil court, which came up in revision before this Court, to the effect that the private respondents shall not restrain the petitioners' repair work in respect of the 'Ka' schedule of the disputed premises, the police is not taking any step for implementation of such order nor for investigation/enquiry into the matter, although complaints in that regard have been lodged by the petitioners.

Learned counsel submits that, despite a remedy being available before the civil court for implementation of its order, the writ court can direct the police to implement such order as well, or at least to direct the police to undertake an enquiry into the matter, in view

of specific complaints having been lodged by the petitioners.

Learned counsel for the respondent-authorities controverts such allegation on facts.

Upon consideration of the submissions of parties, it appears that the petitioners specifically allege violation of an injunction order by the private respondents, who are defendants in the relevant suit. For directing implementation of an injunction order passed by the civil court, a preliminary examination of the question as to whether the defendants actually violated such injunction order is necessary, which, in turn, requires detailed factual enquiries to be undertaken. It would not be prudent for the writ court to undertake such an enquiry, particularly, since an equally efficacious alternative remedy is available before the civil court.

Granting the prayer for an enquiry by the police-authorities into the matter at this stage might be putting the cart before the horse, since, in the absence of an initial order directing police help or observing that the respondents might be violating the injunction order passed by the civil court, such an enquiry would be premature.

Needless to say, however, that the petitioners are always at liberty to approach the concerned civil court alleging violation and seeking implementation of the

order of injunction. If such an approach is made, the civil court, upon hearing the concerned parties, shall decide such application on its merits and, if deemed necessary, would be free to direct a police report or other form of enquiry, for the purpose of deciding the same, without being prejudiced by any of the observations made herein.

W.P.A. No. 11367 of 2020 is disposed of in the light of the aforesaid observations.

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.)