

02-05-2022
ct no. 13
Sl.18
pk

WPA 103 of 2022

Sudarshan Mishra
-Versus-

The State of West Bengal & Ors.

Mr. Dyutimoy Paul,
Mr. Uday Prakash Shyamal
...for the petitioner

Mr. Tapan Kr. Mukherjee, Id. A.G.P.
Ms. Saheli Mukherjee
...for the State

Mr. Saibal Acharyya
... for the respondent no. 7.

The writ petitioner is aggrieved that despite order dated 03.12.2019 passed by the learned Civil Judge(Junior Division), 2nd Court, Paschim Medinipur in Title Suit No. 426 of 2018, Sabang Police Station has not rendered any assistance. It is also submitted that the private respondent continues to disturb the writ petitioner in performing the duty of sebaat at the debottar property.

Counsel for the petitioner also produces an information slip indicating that the interim order has been extended till 12th July, 2022.

Counsel for the private respondent submits that his client has applied for vacating the interim order of injunction passed by the civil court.

It is absolutely clear to this Court that the direction on the Sabang Police Station to enforce the order of injunction subsists even today. Sabang Police Station shall ensure strict compliance of the order of injunction passed by the learned Civil Judge(Junior Division), 2nd Court, Paschim Medinipur.

The learned Civil Judge(Junior Division), 2nd Court, Paschim Medinipur, shall proceed to deal with and dispose of the application of the private respondent for vacating the order passed under Order 39 Rule 1 and 2 in T. S. No. 426 of 2018, wholly and completely uninfluenced by any observation of this court.

Needless to mention that in the event of any modification, or other alteration in respect of the order of injunction already made by the learned Civil Judge, specific directions shall be passed by the learned Civil Judge, and the same shall be strictly complied with by the Sabang Police Station.

Sabang Police Station shall also, subject to any order of the civil court, consider posting of police picket at the cost of the petitioner, to enforce the earlier order of injunction.

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

(Rajasekhar Mantha, J.)