

S/L 168
30.06.2022
Court. No. 19
GB

WPA 1256 of 2022

Smt. Bulu Rani Jana & Anr.
VS
The State of West Bengal & Ors.

Mr. Ashim Kumar Routh.

...for the Petitioners.

*Mrs. Chama Mookherjee,
Mr. Gourav Das.*

...for the State.

*Mr. Syamal Kumar Das,
Ms. Krishna Yadav.*

...for the Municipality.

*Mr. Sambhu Nath De,
Mr. Ranjit Kumar Ghosh.*

...for the Respondent Nos.5 & 7.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioners allege that the Inspector-in-Charge, Titagarh Police Station failed and neglected to take steps on the basis of the complaint filed by the petitioners, dated December 4, 2021. It is submitted that despite an order of the civil court, restraining the defendant, i.e., the respondent no.5 from evicting the petitioners from the suit property without due process of law and from creating any obstruction in the business, the respondent Nos.5 to 7 have been creating disturbance and have been trying to oust the petitioner.

It is alleged that the police authorities failed and neglected to ensure that the *ad interim* order of injunction passed by the civil court is implemented. Further allegation is that the respondent nos.5 to 7 have ransacked the shop room, destroyed and damaged the articles, which were lying therein and had also stolen several articles.

On the basis of the said complaint, Titagarh Police Station Case No.80 of 2022 dated January 26, 2022 under Sections 447/380/323/406/188/34 of the Indian Penal Code, has been registered. Investigation is under progress. The respondent nos.5 to 7 surrendered before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas and have obtained bail.

The petitioners shall file an application before the learned civil court alleging violation of the order of injunction and the said application, if filed, shall be decided in accordance with law. Such application shall be filed within a period of two weeks from date. Till such time the issue is decided by the learned civil court, the police shall ensure that the order of the learned civil court is complied with. The investigation, which has been initiated, shall be reached to its logical conclusion, expeditiously. The other aspects, which have been urged by the respondent nos.5 to 7 with regard to their possession and title in respect of the shop room, have not been gone into. Such issues shall be decided in the civil suit.

This order will not prejudice the rights and contentions of the parties in the civil suit.

As no affidavits have been called for, the allegations are deemed to be denied.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)