

S/L 579 (ML)
30.08.2022
Court. No. 19
GB

WPA 3541 of 2022

Paran Mondal
VS
The State of West Bengal & Ors.

Mr. Goutam Ray.

...for the Petitioner.

*Ms. Sipra Majumdar,
Mr. Rajjak Hossain.*

...for the State.

*Mr. Lalratan Mondal,
Mr. Prabal Sarkar.*

...for the Respondent Nos.4 to 6.

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

The petitioner alleges police inaction. According to the petitioner, the respondent nos.4 to 6 have been disturbing the possession of the petitioner by violating the order of injunction passed by the learned Civil Judge (Junior Division), Lalbagh, Murshidabad in Title Suit No.322 of 2019.

The learned advocate for the respondents deny the allegations of violation of the order of injunction.

It is submitted that a civil suit is pending and the order of injunction continues. The writ petition has been filed without necessary particulars as to the suit plots and the nature of order that was passed.

However, if the petitioner approaches the Officer-in-Charge, Murshidabad Police Station with further allegation of disturbance, the concerned police authority, upon being satisfied that the order of injunction, is pending, shall ensure implementation of the said order, strictly in accordance with

law, in respect of the suit plot only. The rival claims to title and possession, etc., shall not be gone into by the police authorities. If the petitioner alleges violation of the order of the civil court, the petitioner must approach the said court in accordance with law.

It also appears that on the direction upon the Superintendent of Police, an enquiry was made pursuant to the complaint lodged by the petitioner and after due enquiry, Murshidabad Police Station NCR No.352 of 2022 dated March 7, 2022 under Sections 107 and 116(3) of the Code of Criminal Procedure was submitted against the respondent no.4 and others. The said respondents were directed to maintain peace and tranquility.

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.)