

26.04.2022.
Item No. 32.
Court No.13
ap

W.P.A. No. 3932 of 2022
Eastern Engineering Corporation & Ors.
Versus
The State of West Bengal & Ors.

Mr. Suman Sengupta,
Ms. Sangita Chakraborty.

...For the petitioners.

Mr. Subhabrata Datta,
Mr. Sanatan Panja.

...For the State.

Mr. Sankar Paul.

...For the respondent no.4.

The writ petitioners complain that notwithstanding the order of injunction of the learned 6th Civil Judge (Junior Division), Howrah in Title Suit No. 1135 of 2021 purportedly dated 8th October, 2021, the police are not taking any steps.

The private respondent is stated to have demolished a boundary wall within the petitioners' premises. The petitioners seek posting of police picket at their own expenses.

This Court is of the view that the remedy of the petitioners to enforce the order of injunction is before the learned 6th Civil Judge (Junior Division), Howrah himself, inter alia, under Section 39 Rule 2A of the Code of Civil Procedure. The police are not supposed to act unless they receive specific directions from the 6th Civil Judge (Junior Division), Howrah.

In that view of the matter, the instant writ petition is disposed of reserving liberty to the petitioners to take out appropriate application before the 6th Civil Judge (Junior Division), Howrah in accordance with law.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)