

14.7.2022
Court No. 19
Item no.3
sn

WPA No. 4332 of 2022

Mahammad Sufi Nizamuddin Quadri
Alias Md. Nizamuddin

Vs.

The State of West Bengal & ors.

Md. Aamar Zakifor the petitioner

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee
Mr. Suddhadev Adak ..for the State

Despite service, none appears on behalf of the respondent nos. 3 to 7. Let the affidavit-of-service be taken on record.

Upon perusal of the pleadings and the complaint filed before the police authorities, it appears that the dispute is over the immovable property. Alleging threat of dispossession and continuous disturbance by the respondent nos. 3 to 7, the petitioner approached the learned Civil Court by filing Title Suit No. 200 of 2022. On February 11, 2022, the learned Civil Judge(Junior Division) 1st Court at Alipore, passed an order of ad-interim injunction, temporarily restraining the defendants from disturbing the peaceful possession of the plaintiff/petitioner and from dispossessing the plaintiff, from the schedule property.

The petitioner specifically submits that the ad-interim order of injunction has not been complied with by the respondent nos. 3 to 7.

Mr. Banerjee, learned Senior Standing Counsel submits that the remedy of the petitioner would be to pray for implementation of the ad-interim order of injunction with police help, before the learned civil court. The police authorities could not have intervened in the matter without any order of the civil court. He further submits that no complaint was made before the Tiljala police station.

The allegation with regard to violation of the ad-interim order of injunction, shall be made before the learned civil court. An appropriate order shall be passed by the said court, upon adjudication of the issue.

However, if there is any subsisting order of ad-interim injunction, the police authorities shall ensure that no breach of peace takes place and the order of the learned civil court is complied with, in its letter and spirit.

This order shall not be construed as a decision on the allegation of violation of the ad-interim order of injunction or on the right and title of the petitioner, in respect of the property in question. All such issues shall be decided by the civil suit.

This writ petition is disposed of.

There will be, however, 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.)