

10.06.2022
Court No. 19
Item no.61
CP

WPA No. 4924 of 2022

Dr. Pradip Kumar Dutta
Vs.
The State of West Bengal & ors.

Mr. Subrata Goswami
Mr. Debrup Bhattachargee
....for the petitioner.

Mr. Raja Saha
Mr. Debasish Ghosh

...for the State.

Mr. Sabyasachi Mukherjee
Mr. Mukesh Khanna

....for the respondent nos. 5 and 6.

Title Suit No. 1643 of 2021 has been filed before the learned Civil Judge (Junior Division), 6th Court, Alipore by the petitioner with regard to the ownership and possession of the shop, named as 'M/s Madan Mohan Dutta & Sons'. The respondent nos. 5 and 6 are the defendants in the suit. The learned civil court passed an order of ad-interim injunction on January 4, 2022 which was extended from time to time.

By the order of ad-interim injunction, the respondent nos. 5 and 6 were restrained from disturbing the peaceful possession of the petitioner in respect of the shop room in question.

The petitioner alleged violation of the ad-interim injunction order and filed an application under Section 151 of the Code of Civil Procedure for police help.

By an order dated February 3, 2022, the learned Civil Judge (Junior Division), 6th Court at Alipore passed an order directing the Officer-in-Charge, Bishnupur Police Station to ensure compliance of the order of the ad-interim injunction, in its letter and spirit and to take further steps that may be necessary including initiation of proceedings under Section 107 Cr.P.C. Police protection has also been directed to be provided to the petitioner at the disputed premises. The police authorities have also been asked to file appropriate report before the learned court below.

Thus, when there is an order upon the police authorities passed by an appropriate civil court, the police authorities are directed to comply with the order of the civil court dated February 3, 2022 and take such steps as has been directed by the said order. All issues raised, will be decided in the civil suit.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)