

S/L 50
13.6. 2022
Court. No. 19
sn

WPA 5168 of 2022

Smt. Pritha Nandy
Vs.
The State of West Bengal & Ors.

Ms. Kaberi Ghosh (Dey) ... for the Petitioner

Sk. Md. Galib
Ms. Subhra Nag ... for the State.

Mr. Iqbal Kabir ..for the respdt.5

Mr. Rajarshee Basu ..for the respdt.6

This petitioner alleges inaction on the part of the Officer-in-Charge, Shyampukur Police Station. The allegation is that the respondent nos. 5 and 6 have reconstructed a shop room illegally, by demolishing a portion thereof. Further allegation is that in spite of an order of status quo passed in Title Suit no. 472 of 2022, by the learned City Civil Court at Calcutta, the respondent nos.5 and 6 have changed the nature and character of the suit property by demolishing portions of the shop room.

It is submitted by the petitioner that applications were filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure in both the suits along with an application for police help under Section 151 of the Code of Civil Procedure. Both the applications are pending.

It is submitted by Mr. Basu, learned advocate for the respondent no.6 that the Kolkata Municipal Corporation had permitted repairing of certain portions and on the basis of such permission, the demolition was made. However, after the injunction order was passed by the suit court, no construction was carried out.

Learned advocate for the respondent no.5 produces a notice issued by the Kolkata Municipal Corporation dated March 12, 2022 under Section 411(1) of the Kolkata Municipal Corporation Act, 1980 directing demolition of the portion which were not repairable and restoration of the portions which could be repaired. It is submitted that on the strength of such notice, the construction was carried out.

The petitioner submits that an order of status quo was passed on March 8, 2022, and upon contested hearing, the application for temporary injunction was disposed of.

Under such circumstances, this writ petition is disposed of with liberty to the petitioner to pursue her remedy before the learned civil court with regard to the allegation of violation of the injunction order and with regard to prayer for implementation of the order for police help. The Officer-in-Charge, Shyampukur Police Station is directed to ensure that no construction or demolition takes place and the order of civil court is

complied with, till the issues are decided by the learned civil court.

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.)