

24.06.2022
Sl. No.4
srn

W.P.A. No. 6541 of 2022

Balaram Bag

Versus

The State of West Bengal & Ors.

Mr. D.K. Adhikari,
Mr. Debdeep Adhikari

...for the Petitioner.

Ms. Chaitali Bhattacharya,
Mr. Subhendu Roychoudhury

...for the State-respondents.

Mr. Arun Kumar Raha,
Md. Salamuddin

...for the Respondent Nos.6, 7 & 8.

Despite publication in a popularly circulated Bengali newspaper with regard to the pendency of the writ petition, none appears on behalf of the respondent Nos.9 to 12. The newspaper is taken on record.

The petitioner alleges that the respondent Nos.9 to 12 are the men and agents of the respondent Nos.6 to 8.

Allegation is of violation of the order of injunction and inaction of the police authorities in implementing the said order.

It is settled law that an order of injunction, which has been passed by a competent civil court, must be complied with by the parties. The learned civil court, upon assessment of the facts, was of the *prima facie* view that the plaintiff (petitioner) had a good

case to go for trial and balance of convenience and inconvenience was in favour of granting an ad interim injunction restraining the defendants in the suit, who are the respondent Nos.6 to 8 in this proceedings and/or their men and agents, from disturbing the peaceful possession of the petitioner in respect of the suit property or from causing any damage to the suit property. Orders of the court have to be complied with and implemented.

It is submitted by the respondent Nos.6 to 8 that the allegations are incorrect. That the order of ad-interim injunction is being complied with.

Ms. Bhattacharya, learned Senior Government Advocate, submits that the police, on an enquiry, found that one of the respondents had dug a well in the suit property. A hot altercation took place between the parties. The police authorities have submitted a report for prosecution under Sections 107/116(C) of the Code of Criminal Procedure. The parties have been directed to maintain peace.

Having heard the learned Advocates for the respective parties, this Court is of the view that the Officer-in-Charge, Jagacha Police Station shall ensure that the order of the learned civil court, passed in Title Suit No.1132 of 2020 by the learned Civil Judge (Junior Division), 6th Court at Howrah, is complied with, to the extent of the area owned and possessed by the petitioner, as per the schedule of the plaint.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order or on the communication of the learned Advocates.

(Shampa Sarkar, J.)