

03.02.2022  
Court No.13  
Item No.24  
AP

**WPA 5437 of 2020**  
**With**  
**CAN 1 of 2020 (Old No: CAN 3142 of 2020)**  
**With**  
**CAN 2 of 2020 (Old No: CAN 5861 of 2020) (Not in File)**  
**With**  
**CAN 3 of 2020 (Old No: CAN 5862 of 2020) (Not in File)**

**Sk. Saijad Ali**  
**Vs.**  
**The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Sahajahan Ali

... For the Petitioner.

Mr. Balaram Pandit  
Mr. Krishna Dev Das

... For the Respondent No.10.

The writ petitioner complains that the Mohanpur Police is not assisting him in complying with the order dated 27<sup>th</sup> November 2019 passed by the learned Civil Judge (Junior Division), Dantan, Paschim Medinipur in T.S. No.219 of 2019. The private respondent No.10 is alleged to be effecting construction in violation of such order of injunction.

Learned counsel for the private respondent submits that the construction made by his client, is not the subject matter of the suit and is outside the scope thereof.

In that view of the matter this Court is of the view that the writ petitioner should move to Civil Court for enforcement of the said order inter alia under the provisions of Order 39 Rule 2A.

Reserving liberty to the writ petitioner as above, the writ petition is disposed of.

In view of the above, connected applications, if any, shall also stand disposed of.

There shall be no order as to costs.

Since the respondents have not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by them.

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

**(Rajasekhar Mantha, J.)**