

18.05.2022.
Court No.13
Item No. 19
pk

W.P.A. No. 6950 of 2022

**Mr. Suprakas Bardhan & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Suvadip Bhattacharjee,
Mr. Balaram Patra.

...For the petitioners.

Mr. Samrat Sen, Ld. AAAG,
Ms. Manali Ali.

...For the State.

Mr. Samiran Mondal,
Mr. Abhinaba Dan.

...For the respondent nos.6.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioners are aggrieved by the alleged
inaction on the part of Uttarpara Police Station.

It is submitted that in Title Suit No. 103 of 2022,
the petitioners have obtained an order of injunction
from the learned Civil Judge (Junior Division) 1st Court
at Serampore, Hooghly against the private respondent
from effecting any construction. A copy of the said
order of injunction was served on Uttarpara Police
Station and a request was made to comply with the
said order of injunction.

Admittedly, the petitioners have not obtained
any order as yet under Order 39, Rule 2A of the Code
of Civil Procedure, 1908 or any direction on the police
for that matter for enforcement of any of its order.

Uttarpara Police Station are not supposed to take any steps unless there is specific direction from the Civil Court in that regard.

The petitioners have already filed an application under Order 39, Rule 2A read with Section 151 of the Code of Civil Procedure, 1908 pending before the Court below.

The writ petition alleging inaction on the part of Uttarpara Police Station is therefore thoroughly misconceived and is liable to be dismissed.

The matter has been listed on the ground of urgency cited by the petitioners, inter alia, on the ground that the petitioners nos.1 and 2 are senior citizens. This Court sees absolutely no urgency in the matter.

Hence, the instant writ petition shall stand dismissed with costs assessed at Rs.3,500/- (Rupees Three Thousand Five Hundred only) payable by the petitioners to the Uttarpara Police Station.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)