

02.08.2022
Court No. 19
Item no.386
CP

W.P.A. No. 8932 of 2021

Sudipto Ghosh & ors.
Vs.
The State of West Bengal & ors.

Mr. Jayanta Das
Ms. Soumita Ghosh

...for the petitioners.

Mr. Rabindranath Mahato
Mr. Aritra Shankar Ray

....for the respondent nos. 8 to 11.

It is submitted by Mr. Mahato, learned advocate for the respondent nos. 8 to 11, that the said respondents have not raised any new construction on the undivided suit property after the order of injunction was passed by this court in FA 184 of 2011, dated January 9, 2014. It is further submitted that peaceful possession of the petitioners who were appellants in the said First Appeal, have not been disturbed. There has not been any violation of the order of this Hon'ble Court.

According to the petitioners, the respondent nos. 8 to 11 are the heirs and representatives of the respondent nos. 24 and 25 in the appeal. The said respondent nos. 24 and 25 and any person claiming under them, had been restrained by an order dated January 9, 2014, from raising any construction in

the undivided property or from disturbing the peaceful possession of the appellants/petitioners.

On such submissions being made by Mr. Mahato, this court is of the view that the allegation with regard to violation of the order of injunction shall be raised before the Hon'ble Division Bench, in accordance with law.

However, the Officer-in-Charge, Budge Budge Police Station shall ensure that the parties maintain peace and the order of injunction passed by the Hon'ble Division Bench in FA 184 OF 2011 is implemented.

This order shall not be construed as a declaration of the correctness of the allegations made by the petitioners.

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.)