

10-01-2022

ct no. 13

Sl. 24

sp

**WPA 9081 of 2021
(Through Video Conference)**

Monoranjan Midya & Ors.

-Versus-

The State of West Bengal & Ors.

**Mr. Bhagbat Chaudhuri,
Mr. S. Mukherjee**

....for the petitioners

Affidavit of service filed in Court today is taken on record.

Respondents are not represented despite notice.

The writ petitioners complain that Durgachak Police Station has not rendered assistance to enforce orders of the Civil Court. It appears that in T.S. 459 of 2012, filed by the petitioners, a prayer has been made at an interlocutory stage under Order 39, Rule 4 of the C.P.C. for leave to cut and remove a fallen tree on the petitioners' premises and shop room.

It further appears from the records that by order no. 69 dated July 3, 2020, the learned Civil Judge (Jr. Division), Haldia, Purba Medinipur, has allowed the application.

The writ petitioners are aggrieved that despite such application being allowed, the police have not rendered assistance in carrying it out.

This Court notices that the learned Civil Judge (Jr. Division), Haldia, Purba Medinipur has not specified the scope and extent of the direction made by him and what exact prayers of the petitioners, that have been allowed in the order dated July 3, 2020.

In that view of the matter, the petitioners shall be at liberty to approach the learned Civil Judge (Jr. Division), Haldia, Purba Medinipur, with an application for clarification of the scope and extent of the order dated July 3, 2020.

The petitioners shall also apply for appropriate police help for the purpose of carrying out any order that the Court below may pass. The learned Court below, upon receiving such application, shall dispose of the same in accordance with law, mandatorily and positively within a period of one month from the date thereof.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)