

S/L 395(ML)
08.08.2022
Court. No. 19
GB

WPA 12620 of 2021

Sri Pranab Kumar Bakuly
VS
The State of West Bengal & Ors.

*Mr. Bhagbat Chawdhury,
Sk. Toslim Ali.*

...for the Petitioner.

*Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee.*

...for the Respondent No.5.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges violation of the order of temporary injunction by the respondent no.5. The order was passed in L.R. Misc. Case No.3 of 2021 dated July 19, 2021. The respondent no.5 was restrained from making any addition or alteration or from changing the nature and character of the 'Ka' schedule property by making a construction over the same. In addition, the respondent no.5 was also restrained from cutting, digging, excavating or removing any amount of soil from any part of the 'Ka' schedule property, till disposal of the L.R. Misc. case. Assailing such order, the respondent no.5 has preferred a civil revision, which is pending. No interim order has yet been passed.

The petitioner submits that in violation of the said order, rampant construction has been made by the respondent no.5. The police authorities have been approached so that necessary steps are taken for implementation of the order of injunction. It is alleged that

the police authorities have failed to take steps in accordance with law.

Mr. Banerjee, learned advocate appearing on behalf of the respondent no.5 submits that the order of ad-interim injunction had been vacated by an order of this Court. Thereafter, the order of injunction was again passed after disposal of the application for temporary injunction. Whatever construction had been made, was done in the interim period, i.e., when the ad interim order had been vacated and the application for temporary injunction had not been disposed of.

Although, the revisional application is pending before this Court against the order of temporary injunction, until and unless the said order is either vacated, varied, modified or set aside by a competent court or superior court, the order of injunction must be implemented. It is a matter of public policy that any order passed by a competent court of law must be obeyed by the parties.

Thus, this writ petition is disposed of with a direction upon the Officer-in-Charge, Amta Police Station to ensure implementation of the order of injunction passed in L.R. Misc. Case No.3 of 2021 dated July 19, 2021, till the said order subsists.

This order shall not be taken as an expression on the correctness of the allegation made by the petitioner with regard to the violation of the order of injunction. Such issue shall be decided by the civil court. The pending civil

revisional application shall not be influenced by any of observations made hereinabove.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)