

07.06.2022
Court No. 19
Item no.21
CP

WPA No. 13214 of 2021

Nemai Chand Mondal
Vs.
The State of West Bengal & ors.

Mr. Lakshminath Bhattacharya

....for the petitioner.

Mr. A. Ray, Ld. G.P.
Mr. T. M. Siddiqui
Mr. Debasish Ghosh

.....for the State.

Mr. Pradip Kumar Mondal

....for the respondent nos. 11 to 15.

The writ petitioner has alleged inaction on the part of the Officer-in-Charge, Raidhigi Police Station. According to the petitioner, despite there being an order of status quo passed by a competent civil court, the police authorities have failed and neglected to implement the order of status quo. Such order of status quo was passed by the learned Civil Judge (Junior Division), First Court, Diamond Harbour in Title Suit No. 178 of 2019.

The petitioner filed an application under Section 151 of the Code of Civil Procedure praying for implementation of the order of status quo. The allegation is that violating the order of status quo, the respondent nos. 9 to 15 were continuing to erect

further constructions. An application was filed by the petitioner under Section 151 of the Code of Civil Procedure, praying for a direction for police help.

The application under Section 151 of the Code of Civil Procedure was disposed of by the learned court below without any orders, but with a specific direction upon the Officer-in-Charge/Inspector-in-Charge, Raidhigi Police Station to make an enquiry at the suit property and to file a report within June 9, 2022 indicating whether there was any violation of the order of injunction passed on July 2, 2019. The petitioner failed to obtain an order for police help from the civil court.

The contention of Mr. Mondal, learned advocate for the respondent nos. 11 to 15, with regard to the non-existence of the suit plot and other civil disputes are not gone into by this court. All these issues can be raised before the appropriate civil court, in the pending civil suit.

Mr. Ghosh, learned advocate for the State respondents, submits that the police authorities shall comply with the direction of the learned civil court and file necessary report before the learned Judge. He also submits that the police authorities have enquired into the matter pursuant to the direction of the civil court and a report for prosecution has been filed.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to do the needful as per the direction of the learned civil court.

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.)