

S/L 33(ML)
03.08.2022
Court. No. 19
GB

WPA 12064 of 2022

Swapan Kumar Acharyya
VS
The State of West Bengal & Ors.

*Mr. Sankar Biswas,
Mr. Ejaz Khan.*

...for the Petitioner.

*Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee,
Mr. Suddhadeb Adak.*

...for the State.

*Mr. Syamal Kumar Das,
Ms. Krishna Yadav.*

...for the Respondent No.4.

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

It is submitted by the petitioner that one Mr. Subhas Ghosh, A.S.I. of Naihati Police Station forcefully stopped the construction work of the petitioner in the 'B' schedule property of the suit. The petitioner submits that Title Suit No.104 of 2021 was filed by the respondent no.4. The learned civil court passed an order of injunction restraining the defendant, the petitioner herein, from raising any illegal construction on 'B' schedule property thereby encroaching into the portion of 'A' schedule property.

It is submitted by Mr. Banerjee, learned senior standing counsel that on the basis of the order passed in a proceeding under Section 144(2) of the Code of Criminal Procedure, the police authorities had visited the locale. Prosecution under Section 107 of the Code of Criminal Procedure was submitted and the parties were directed to maintain peace and tranquility. The police authorities did

not ever try to interfere with the construction of the petitioner. It is further submitted by Mr. Banerjee that the remedy of the respective parties with regard to the alleged construction and the alleged violation would be before the learned civil court, in the pending suit.

Mr. Das, learned advocate appearing on behalf of the respondent no.4 submits that the parties are required to comply with the order of injunction, which has been passed by the learned civil court. He further submits that the allegations are denied and the writ petition has been filed only to harass the respondent no.4.

Under such circumstances, taking note of Mr. Banerjee's submissions, the writ petition is disposed of without any orders. The parties are at liberty to approach the learned civil court, if there are allegations of violation of the injunction order. The order of injunction must be obeyed.

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.)