

29-04-2022
ct no. 13
SL.42
sp

WPA 13325 of 2021

With

CAN 1 of 2022

Abdul Karim

-Versus-

State of West Bengal & Ors.

**Mr. Pawan Kumar Gupta,
Mr. Abhimanyu Banerjee**

...for the petitioner

Despite service of notice, respondents are not represented.

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

The writ petitioner complains that despite having produced an order of a Civil Judge (Jr. Divn.), 2nd Court, Rampurhat, Birbhum, in T.S. No. 100 of 2019, the Nalhati Police Station, Birbhum, has not taken any step towards its implementation.

It is not known as to whether the injunction of February 2019 still continues or not.

Be that as it may, for enforcement of an order of the Civil Court, the remedy of the petitioner is to seek police help under the Civil Procedure Code, 1908. In the absence of any

direction from the Civil Court, the police is not supposed to automatically take any step to interfere with the civil rights of the parties.

Reserving liberty to the petitioner to take appropriate steps under the provisions of the Code of Civil Procedure, 1908 for enforcing an order of injunction before the Civil Court, the writ petition shall stand disposed of without any orders.

In view of the above, the connected application being CAN 1 of 2022, shall also stand 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.)