

S/L 410(ML)
16.08.2022
Court. No. 19
GB

WPA 13877 of 2021

Sri Nemai Chandra Ghosh
VS
The State of West Bengal & Ors.

Mr. Shibsankar Bandyopadhyay.

...for the Petitioner.

*Mr. Santanu Kr. Mitra,
Mr. Rama Halder.*

...for the State.

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

The petitioner alleges inaction of the Officer-in-Charge, Gobardanga Police Station. It is alleged that despite an order of injunction, passed by the learned Civil Judge (Junior Division), 2nd Court at Barasat, North 24 Parganas and on order for implementation of the same by the police authorities, the police authorities have failed and neglected to take steps.

It appears that by an order dated July 15, 2019, the defendant nos.1 to 4 in the suit, were restrained from creating any disturbance over the suit property upon entering the same and they were also restrained from changing the nature and character of the suit property or from causing any wastage or damage, till the disposal of the suit. Alleging violation of the said order of injunction, the petitioner approached the learned civil court praying for police help. By order dated August 20, 2019, the learned Civil Judge (Junior Division), 2nd Court at Barasat, North 24 Parganas granted police protection and directed the Officer-in-Charge, Gobardanga Police Station to render assistance to

the plaintiff/petitioner for implementation of the order of injunction, whenever the said assistance would be required. The police was directed to submit a report before the court. It is alleged that the police authorities have not complied with the direction of the learned court below.

The learned advocate for the State respondents opposes the allegation. It is submitted that the police authorities visited the suit property on two occasions and the defendant nos.1 to 4 were directed not to create any disturbance over the suit property by entering the same and were asked not to change the nature and character or cause wastage or damage of the suit property. It is further submitted that the alleged suit property was initially a school but the school did not continue and now the plot is a vacant plot, which is used as a play ground. It is submitted that the police authorities have always agreed to render assistance. The property has neither been damaged nor has there been any change in the nature and character.

Under such circumstances, nothing further remains to be decided in the writ petition. The police authorities shall implement the order passed by the learned Civil Judge (Junior Division), 2nd Court at Barasat, North 24 Parganas, which allegedly is still subsisting. If the police authorities find any difficulty or any problem in implementing the order, it is for the police authorities to file appropriate report with appropriate prayers before the learned civil court.

Needless to mention, that the allegation of violation of the order of injunction shall be decided by the learned civil

court and necessary orders that may be passed, shall be binding on all the parties, including the police authorities.

The allegations of violation of the order of injunction have not been gone into and the petitioner must raise such point before the learned civil court.

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.)