

05.08.2022
Court No. 19
Item no.69 (ML)
CP

W.P.A. No. 13274 of 2022

Rafikul Islam Mondal & anr.
Vs.
The State of West Bengal & ors.

Mr. Tathagata Majumdar
Mr. Rahul Karmakar

...for the petitioners.

Affidavit of service is taken on record. Despite service none appears on behalf of any of the respondents.

The petitioner alleges inaction on the part of the Officer-in-Charge, Ashoknagar Police Station. It appears that the petitioners filed Title Suit No. 121 of 2017 before the learned Civil Judge (Senior Division), 1st Court, Barasat, North 24 Parganas against the respondent nos. 4 to 9. By an order dated February 17, 2017, the learned Civil Judge passed an order of status quo. The plaintiffs as also the defendants in the suit were directed to maintain status quo in respect of the suit property and not to change the nature, character and possession by any means. It is submitted that the said order has been extended from time to time.

Alleging violation of the order of status quo, the petitioner filed an application under Section 151 of the C.P.C. for implementation of the said order

with police help. By an order dated April 1, 2019, the Officer-in-Charge, Ashoknagar Police Station was directed to ensure implementation of the order of injunction. Such order was duly communicated to the police authorities by the petitioners. It is alleged that the police authorities did not take any steps. Thereafter an application was filed by the petitioners before the learned civil court with a prayer that necessary steps be taken against the Officer-in-Charge, Ashoknagar Police Station. A report was called for by the learned civil court from the Officer-in-Charge, Ashoknagar Police Station. It is submitted that no such report has yet been filed before the learned court below.

The petitioners pray that the Officer-in-Charge, Ashoknagar Police Station be directed to comply with the order of the learned civil court.

Having heard the learned advocate for the petitioners, this court directs the Officer-in-Charge, Ashoknagar Police Station to implement the order of the civil court in its letter and spirit and file necessary report of compliance before the learned civil court, provided that the order of injunction is still subsisting.

It is made clear that an order of injunction which is passed by a competent court of law must be obeyed by the parties in its letter and spirit. It is a

question of public policy and parties cannot be permitted to flout orders of courts.

This order shall not be construed as a declaration of the allegation of violation of the order of injunction. Such allegation shall be raised before the appropriate civil court. This order is restricted only to a direction upon the police authorities to comply with the orders of the learned civil court.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)