

3.8.2022
Sl.No.6
sn

W.P.A. 15155 of 2022
Eakup Saha
Versus
The State of West Bengal & Ors.

Ms. Reshmi Ghosh
Mr. Soumya Sankar Chini
... for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas ..for the State

Mr. Musharoff Hossain
Mr. Manabendranath Bandopadhyay
..for the respdt.5

The petitioner alleges that the Inspector-In-Charge, Contai Police Station has failed and neglected to implement the order of injunction issued by the learned Civil Court in Title Suit No. 184 of 2016 pending, before the learned Civil Judge, Junior Division, 1st Court, Kanthi. Although, the petitioner has failed to produce the order of injunction before this Court, it appears that in the proceedings under Section 144(2) of the Code of Criminal Procedure, there is a mention that an order of injunction had been passed in the suit.

The petitioner alleges that the respondent no. 5 started making a construction in violation of the order of injunction. Hence, police protection has been sought for.

The police authorities have filed a report. It appears that on the basis of the complaint lodged by

the petitioner, an enquiry was made and apprehending breach of peace, prosecution under Section 107 of the Code of Criminal Procedure had been submitted. A compliance report was also submitted before the learned Executive Magistrate, to the effect that the parties were directed to maintain status quo with regard to the land and also maintain peace and tranquility.

The learned advocate for the respondent no.5 denies such contentions and submits that the issues which have been raised in the writ petition must be adjudicated by the Civil Court.

Be that as it may, if there is an order of injunction passed by the Civil Court, it is a matter of public policy that such order is obeyed in its letter and spirit and both the parties must comply with the same.

Under such circumstances, this writ petition is disposed of with a direction upon the Inspector-In-Charge, Contai Police Station to keep a vigil and ensure that the parties comply with the order of injunction passed by the learned Civil Court, if the same is still subsisting.

This order shall not be construed as a declaration of correctness of the allegations made by the petitioner. If the petitioner alleges violation of the order of ad-interim order, the said issue shall be

decided by the learned Civil Court, in an appropriate proceeding.

This writ petition is disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)