

05.09.2022
Court No.13
Item No.60
AP

WPA 15824 of 2022

**Tarak Pal
Vs.
The State of West Bengal & Ors.**

Mr. Sounak Mandal
Mr. Sounak Bhattacharya

... For the Petitioner.

Ms. Sutapa Sanyal
Mr. Anand Farmania

... For the State.

Mr. Partha Pratim Roy
Mr. Anirban Das

... For the Respondent Nos.5 & 6.

The petitioner complains that Jadavpur Police Station has not complied with the order dated 28th April 2022 passed by the learned Civil Judge (Senior Division), 5th Court at Alipore, South 24-Parganas in Title Suit No.302 of 2022.

It appears from the records that a Division Bench of this Court on 2nd May 2022 in FMAT No.135 of 2022 has ordered that the injunction of the Court below shall subsist only for a period of eight weeks and the Trial Court should decide the application under Order 39 Rule 1 and 2 after hearing the defendants in the suit.

In view of the above, this Court is of the view that the Jadavpur Police Station has rightly not taken steps.

Counsel for the private respondents submits that the injunction already passed was extended.

In view of the directions of a Division Bench of this Court, this Court is of the view that until the application for injunction is disposed of, the Jadavpur Police Station should not take any steps to interfere with the suit property.

The Jadavpur Police Station shall, however, abide by any final order that may be passed by the learned Civil Court under Order 39 Rule 1 & 2.

The order of the Division Bench referred to hereinabove is kept with the record along with the instructions dated 25th July 2022 issued by the Officer-in-Charge, Jadavpur Police Station addressed to the learned State Advocate.

With the aforesaid directions, the writ petition is 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.)