

16-09-2022

ct no. 13

Sl.82

sp

WPA 16861 of 2022

Asha Singh Nee Chowdhury

-Versus-

The State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee,

Mr. Abhilash Chatterjee

....for the petitioner

Mr. A. Ray, Id. G.P.,

Mr. Debasish Ghosh,

Mr. Debraj Sahu

...for the State

Mr. Manjit Singh,

Mr. Rishav Singh,

Mr. Gaganjyot Singh,

Mr. Abhishek Bagal,

Mr. Biswajit Mal

...for the respondent nos. 6 to 17

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

The Bantra Police Station, Purulia has filed a report in the form of instructions dated September 13, 2022, addressed to Mr. Debasish Ghosh, learned counsel appearing for the State and the same is taken on record.

The report clearly indicates that the private respondents have been merrily flouting and/or violating the order of the learned Civil Judge (Senior Division), 2nd Court at Howrah. Construction has been going on in violation of the

order dated April 19, 2022. It appears that the Bantra Police has also filed a report before the learned Court below on June 8, 2022, indicating that the injunction order is being flouted and violated with impunity by the private respondents.

Learned counsel for the State submits that there is no construction going on since September 1, 2022.

This Court is unable to appreciate as to why the Bantra Police Station has not implemented a specific direction of the Civil Court to enforce the order of injunction dated December 7, 2021 contained in the order dated April 19, 2022.

The Commissioner of Police, Howrah shall, immediately, cause an enquiry into the conduct of the Officer-in-Charge, Bantra Police Station and consider initiation of appropriate proceedings.

The Bantra Police shall ensure that there is absolutely no construction whatsoever over the property which is the subject matter of T.S. No. 759 of 2021.

The aforesaid order shall abide by any order that may be passed by the learned Civil Judge (Senior Division), 2nd Court at Howrah in the aforesaid T.S. No. 759 of 2021.

The Commissioner of Police, Howrah shall issue suitable directions to all Police Stations, to

promptly and strictly implement all orders of Civil Court, in letter and spirit and in right earnest.

Let a compliance report be filed by the Commissioner of Police, Howrah before the Registrar General of this Court, within a period of 3 weeks from date.

The Registry shall communicate a copy of this order to the Commissioner of Police, Howrah.

With the aforesaid observations, the writ petition shall 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.)