

08-09-2022
ct no. 13
Sl.71
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WPA 16949 of 2022

Sikha Patra

-Versus-

The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)

....for the petitioner

Mr. Amitesh Banerjeel, ld. Sr. St. Counsel,
Mr. Tarak Karan

....for the State

Mr. Nilay Sengupta,
Mr. Sujit Banerjee

...for the private respondents

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

The petitioner complains that despite
communication of an order of a Civil Court in T.S.
No. 120 of 2017, passed by the learned Civil Judge
(Junior Division), Kakdwip, South 24 Parganas,
dated March 30, 2017 and an order directing the
Freserganj Police Coastal Station, South 24
Parganas, to ensure implementation of the order of
temporary injunction dated March 30, 2017, no
steps have been taken. To this effect, the petitioner
has addressed a complaint to the Freserganj
Coastal Police Station.

Mr. Amitesh Banerjee, learned Senior
Counsel appearing for the State submits, that

having received the complaint of the petitioner, due enquiry was made and the proceedings under Section 107 of the Cr. P.C. were taken out.

Mr. Nilay Sengupta, learned counsel appearing for the private respondents submits by reference to an order dated July 12, 2022, passed by a Division Bench of this Court in a PIL, that the petitioner's conduct in filling up ponds and encroaching public roads have been directed to be enquired into by the BL & LRO, Namkhana. It is also submitted that the writ petition is a counter-blast to the PIL instituted by his client.

This Court has carefully considered the arguments of the parties. It is clear that a Civil Court has passed an order of injunction and has directed the Freserganj Coastal Police Station, South 24 Parganas, to implement the same.

Proceedings under Section 107 of the Cr. P.C. appear to have been taken out. There is some compliance of the Civil Court's order. However, in future, if the petitioner complains that the private respondents harass them, suitable deployment of police shall be made by the Freserganj Coastal Police Station at the petitioner's cost.

It is made absolutely clear that the deployment of police assistance by the Freserganj Coastal Police Station is only in aid of the Civil

Court's order. The authorities, under directions of the Division Bench of this Court, shall not, in any way, be influenced or prejudiced by the instant order.

The Freserganj Coastal Police Station, South 24 Parganas shall, in terms of the dicta of the Supreme Court in the case of *Lalita Kumari vs Govt. Of U.P. & Ors* reported in *(2014) 2 SCC 1*, also investigate the allegations of extortion made by the petitioner against the private respondents.

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.)