

12.08.2022
Court No. 19
Item no.07 (DL)
CP

W.P.A. No. 17506 of 2022

Chinmoy Mallik
Vs.
The State of West Bengal & ors.

Mr. Soumya Majumdar
Mr. S.P. Tewary
Mr. Avijit Tewary
...for the petitioner.

Mr. Amitesh Banerjee
Mr. Tarak Karan
...for the State.

Mr. Tulsi Das Maiti
Mr. Snehasish Bala
....for the respondent nos. 6 and 9.

Affidavit of service is taken on record. None appears on behalf of the respondent nos. 5, 7 and 8. The postal articles sent to the said respondents have come back with the endorsement 'unclaimed'.

Upon considering the submissions of the learned advocates for the respective parties this court finds that the dispute is with regard to offering seba puja to Sri Sri Kalimata Thakurani, the deity in respect of a debutter property. The petitioner alleges that the respondent no. 5 had taken away the keys with an intention to deprive the petitioner from offering his seba puja at the Kali Temple.

The property had been dedicated to Sri Sri Kalimata Thakurani. It is contended that over the

dispute, a civil suit had been filed being Title Suit No. 613 of 2015, by the petitioner against the respondent no. 5 and two others. It appears that the learned Civil Judge (Junior Division), 2nd Court, Uluberia disposed of the application for temporary injunction restraining the respondent no. 5 and the other two defendants in the suit, from causing any disturbance to the plaintiff in the peaceful offering of the seba puja, till the disposal of the suit. Aggrieved by the aforementioned order of injunction, a Misc. Appeal was preferred by the defendant no. 2/respondent no. 5 before the learned Additional District Judge, 2nd Court, Uluberia. The order of the learned trial court was upheld and the Misc. Appeal was dismissed.

It is submitted by the petitioner that the respondent no. 5 has removed the keys in order to prevent the petitioner from offering seba puja and his 'pala' commences from August 13, 2022. Violation of the ad-interim order has been alleged.

Mr. Maity, learned advocate appearing for the respondent nos. 6 and 9, submits that his clients have not interfered with the possession of the petitioner and their only allegation is against the respondent no. 5.

Mr. Banerjee, learned senior standing counsel, submits that the dispute is private in nature and

between the sebaits. He submits that the police authority does not have any role to play.

Having heard the learned advocates for the respective parties, this court is of the view that when a civil court has passed an order of injunction and the same was upheld by the appellate court, the duty of the police authority shall be limited to the extent of implementing the order of injunction. The issue with regard to violation of the said order may be raised by the petitioner before the learned civil court.

However, the police will maintain peace and prevent commission of any offence. The order of injunction shall be implemented.

This order shall not be construed as an acceptance of the allegation of violation of the order of injunction. Such question is a matter of evidence and shall be decided by 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.)