

18.11.2022.
Court No.13
Item No. 33
pk

**WPA 20551 of 2021
CAN 1 of 2022**

**Sunil Kumar Ray
Versus
State of West Bengal & Ors.**

Mr. Syamal Kumar Das,
Mr. Somnath Banerjee,
Ms. Smita Pal,
Ms. Krishna Yadav

...For the petitioner.

Mr. Asish Kumar Guha,
Mr. Naren Ghosh Dastidar

... for the State.

In Re: CAN 1 of 2022 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 23.08.2022.

The said order is recalled and the writ petition is restored to its original file and number.

Accordingly, CAN 1 of 2022 is disposed of.

There will be, however, no order as to costs.

In Re: W.P.A No. 20551 of 2021

The writ petitioner is aggrieved that Khandaghosh Police Station, Purba Burdwan has not enforced the order dated 21.01.2020 passed by the learned Civil Judge (Senior Division), 2nd Additional Court at Burdwan in T. S. 18 of 2020.

By the said order the Civil Judge has ordered the parties to maintain status quo in respect of the suit property.

The order has been communicated to the police. The petitioner ought to have got specific directions, on the police, from the Civil Court, to enforce the order of injunction.

Counsel for the State, however, submits that the petitioner as well as the private respondents have lodged complaints against one and another. FIRs were registered in respect of both such complaints. In respect of FIR No. 269 of 2020 registered on the petitioner's complaint, Khandaghosh Police Station has filed Charge Sheet No. 217 of 2020 dated 20.12.2020.

To that extent, however, this Court finds that the police have taken steps. Proceedings under Sections 107/116(C) have been taken out against the private respondents.

Be that as it may, the police shall enforce the order of injunction if the petitioner is able to demonstrate before the police that the injunction is still subsisting as on date. The police shall also file a report before the Civil Court in the pending suit.

The aforesaid order shall not prevent the petitioner from taking out appropriate applications before the Civil Judge in the pending suit for

enforcement of order of status quo or complain of its violation.

The O.C., Khandaghosh Police Station shall strictly comply with any order that may be passed by the learned Civil Judge(Senior Division), 2nd Additional Court at Burdwan in the aforesaid suit. The police shall maintain strict vigil on the premises.

The report of the O. C., Khandaghosh Police Station is taken on record.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)