

21.11.2022.
Court No.13
Item No. 22
ap

W.P.A. No. 21160 of 2022
Dhananjoy Sardar
Versus
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal.

...For the petitioner.

Mr. Washim Ahmed,
Sk. Md. Masud.

...For the State.

Despite notice, the private respondents are not represented. Affidavit-of-service filed in Court today be taken on record.

Jagatballabpur Police Station is represented.

It appears from the report of Jagatballabpur Police Station that the Court of the learned Civil Judge (Senior Division) 3rd Court at Howrah has, in an order dated 20th November, 2020 in Title Suit No. 354 of 2020, directed the parties to maintain status quo with regard to the nature, character and possession of the suit property.

The petitioner has complained of violation of status quo before a Civil Court. Jagatballabpur Police Station was directed to ensure that the order of injunction dated 20th November, 2020 is enforced. On 2nd February, 2021, Sub-Inspector of Police, Jagatballabpur Police Station had filed a report before

this Court stating that the defendants are effecting construction on the scheduled property.

There is clear evidence before this Court that the injunction order passed by the Civil Court has been violated by the private respondents.

The Officer-in-charge, Jagatballabpur Police Station, however, stated that there is no further construction since after the report was submitted before the Civil Court by the police. It is also submitted that there is no construction as on date.

This Court notices that the injunction order of the Civil Court has been clearly violated.

The learned Civil Judge (Senior Division) 3rd Court at Howrah shall immediately, upon receipt of a copy of this Court, issue notice to both the parties and decide the consequence of violation of its order, inter alia, under Order 39, Rule 2A of the Code of Civil Procedure, 1908.

The Civil Judge (Senior Division) 3rd Court at Howrah shall be entitled to take all and other measures permitted under the Code of Civil Procedure for violation of its orders including ordering demolition of any construction pursuant to such violation.

Officer-in-charge, Jagatballabpur Police Station shall strictly comply with any order that may be passed by the Civil Court.

Let a copy of this order be communicated to the learned Civil Judge (Senior Division) 3rd Court, Howrah by the Counsel for the petitioner.

For the aforesaid purpose, the petitioner may make a formal application before the learned Civil Judge (Senior Division) 3rd Court at Howrah.

With the aforesaid directions, the instant writ petition shall stand 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.)