

02.12.2022
Court No.13
Item No.5
AP

WPA 21370 of 2022

**Jumman Molla
Vs.
The State of West Bengal & Ors.**

Mr. Shehnaz Tareq Mina
Ms. Priyanka Das

... For the Petitioner.

Mr. Raja Saha
Ms. Piyali Sengupta

... For the State.

The writ petitioner is aggrieved by the fact that Deganga Police has not assisted in enforcing an order of injunction dated 3rd September 2019 passed by the Civil Judge (Junior Division), 1st Court, Barasat in Title Suite No.634 of 2018. It is submitted that the said order is subsisting as on date.

The petitioner shall produce appropriate orders as regards the continued existence of the order of injunction before the Deganga Police Station. Upon receipt of such injunction, Deganga Police shall post a police picket comprising of three male constables and one female constable for a period of two weeks on the said premises at the costs of the petitioner.

The Police shall ensure that the order of injunction passed by the Civil Court is strictly complied with by the defendants in the suit.

Learned counsel for the State submits that the Police have taken proceedings against alleged persons under Section 107 of the Cr.P.C. prior to the petitioner's

suit. Since after receiving the complaint of violation of the Civil Court's order, Deganga Police has registered a case being FIR No.256/21 dated 17th May 2021 and charge sheet being Charge Sheet No.548/21 dated 26th August 2021 under Sections 188/447/506/34 of the IPC has been filed.

The Police after making necessary inquiries shall submit an appropriate report before the Civil Court in that regard. The Civil Court may take appropriate steps in accordance with law in that regard. The Police shall strictly comply with the order that may be passed by the Civil Court.

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

The report of the Inspector-in-Charge, Deganga Police Station, Barasat Police District is taken on record.

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.)