

11.04.2022
Sl. No.10
srm

W.P.A. No. 21935 of 2019

Rabin Naskar

Versus

The State of West Bengal & Ors.

Mr. Mukteswar Maity,
Ms. Manika Sarkar

...for the Petitioners.

Mr. Ziaul Islam,
Md. Mansur Alam

...for the State-respondents.

The petitioner submits that despite the order passed on April 4, 2018 in Title Suit No.224 of 2018 by the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24-Parganas, the police authorities have failed and neglected to implement the said order. That the respondent Nos.7 to 10 have made several attempts to dispossess the petitioner from the property in question.

The petitioner submits that although the police authorities were approached by the petitioner time and again for implementation of the order of the learned civil court, the police authorities verbally informed the petitioner that until and unless the panchayat authorities requisitioned the police force, the police authorities would not proceed with the compliance of the order of the Civil Court.

The allegations are primarily against the police authorities. The nature of the order of injunction does not indicate that the panchayat authorities have a role to play. The prayers in the writ petition indicates that the petitioner seeks protection from the authorities so that the petitioner can raise construction. Such prayer cannot be allowed in view of the order of status quo.

Undoubtedly, all the parties and the authorities are bound by the order of the Civil Court. However, the remedy of the petitioner in this case, would be to approach the Civil Court seeking implementation of the order of the Civil Court through police help. Allegation of violation of the order of the learned Civil Judge, would also lie before the learned civil court.

The petitioner is granted liberty to approach the Civil Court, as directed hereinabove.

This Court has not made any observation with regard to the merits of the claims of the petitioner and the learned Civil Court will decide all the issues to be raised, independently.

This writ petition is disposed of without granting the reliefs prayed for.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)