

10-11-2022

ct no. 13

Sl.30

sp

WPA 24224 of 2022

Srinivasan Sampath Kumar & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. Sandip Kr. Dey,
Mr. Malay Singh,
Ms. Nabanita Kapat

....for the petitioners

Ms. Piyali Sengupta,
Mr. Rahul Das

...for the State

Mr. Sourjya Roy

...for the respondent no.6

The petitioners seek enforcement of an order passed by the learned 1st Executive Magistrate, Alipore in M.P. Case No. 2899 of 2022. The Magistrate has, on the petitioners' application, directed that an injunction order of a Civil Court dated October 17, 2022 to be enforced by the Rabindra Sarabar Police Station.

It is now well-settled that a Civil Court is appropriately empowered under the provisions of Order 39, Rule 2(A) of the Code of Civil Procedure to enforce its own order. The Magistrate, could not have, much less even without receipt of a police report, made any direction on the Rabindra Sarabar Police Station to enforce any order passed two years before.

The report of the police dated October 20, 2022, however, indicates that there is likelihood of breach of peace in the area. The Rabindra Sarabar Police Station shall ensure that there is absolutely no breach of peace in the area and shall comply with any direction that the Civil Court may pass on it to specifically enforce any particular orders.

It is also submitted by the parties that an application has been filed by the defendants in the suit, who are private respondents in this proceeding, for vacating the interim order and the next date in the suit is fixed on November 17, 2022. The parties may take appropriate steps in the pending civil suit or any other civil proceedings pending.

The report of the Rabindra Sarabar Police Station dated November 10, 2022 in the form of instructions, addressed to the State Advocate, may be kept with the record.

With the aforesaid observations, the writ petition shall stand disposed of.

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.)

