

05.12.2022
Court No.13
Item No.16
AP

WPA 25920 of 2022

**Pritam Sarkar and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Nilanjan Bhattacharjee
Mr. Abhilash Chatterjee
Mr. Saikat Dey

... For the Petitioners.

Ms. Chama Mukherjee
Mr. Siraj Gooptu

... For the State.

Mr. Sk. Afrojul Haque

... For the Respondent No.4.

The writ petitioners are aggrieved that the Kotwali Police Station has not assisted despite specific directions of the learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur by an order dated 22nd September 2022 in O.S. No.202 of 2022.

The learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur had ordered injunction against private respondent No.4 from evicting the petitioners without due process of law.

The private respondent No.4 is represented and submits that after expiry of the tenancy agreement the respondent No.4 has locked the premises.

Admittedly, therefore, the petitioners have not surrendered the property to the private respondent.

Inspector-in-Charge, Kotwali Police Station, Paschim Medinipur has filed a report dated 29th November 2022 before this Court and the same is taken on record.

The police say that the petitioners have abandoned the premises and are carrying out business elsewhere.

As to whether the premises in question was locked before or after the injunction is a matter that the Civil Court will determine. In these circumstances, the Inspector-in-Charge, Kotwali Police Station shall submit a detailed report to the Civil Court. It is expected that a fair and unbiased report shall be submitted to the Civil Court.

The aforesaid observation is made since the respondent No.4/ landlord himself is a police officer posted at Contai, Purba Medinipur.

The Civil Court, upon receipt of police report and after carefully considering the pleadings of the petitioners, shall decide appropriately and in accordance with law as to how to carry the matter forward.

The Civil Court shall take up the matter of injunction and an appropriate order be passed in accordance with law within a period of one month from the date of communication of a copy of this order. All parties shall cooperate in this regard and no adjournment shall be allowed to any party by the Civil Court for the aforesaid purpose.

Let a copy of this order be sent to the Superintendent of Police, Purba Medinipur and Superintendent of Police, Paschim Medinipur to note the allegations of the writ petitioners that the respondent Nos.4 may have prevailed upon Kotwali Police to ensure that the petitioners are disposed and no assistance is

rendered by the Kotwali Police to the writ petitioners or to comply the order of the Civil Court.

With the aforesaid directions, the writ petition is 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.)