

20.06.2022
Sl. No.65
srm

W.P.A. No. 22635 of 2012

Asoka Das

Versus

The State of West Bengal & Ors.

Mr. Asit Baran Raut,
Mr. Asit Kumar Chowdhury

...for the Petitioner.

Despite service, none appears on behalf of the respondents. Affidavit-of-service is taken on record.

This writ petition has been filed alleging inaction on the part of the Officer-in-Charge, Beniapukur Police Station. According to the petitioner, the ad interim order of injunction, which was passed on June 1, 2007, had been violated by the respondent Nos.5 and 6. The said ad interim injunction was passed in Title Suit No.166 of 2007 by the learned Civil Judge (Junior Division), 2nd Court at Sealdah. It also appears that application under Section 151 of the Code of Civil Procedure was filed for police assistance. The said application was allowed. The Officer-in-Charge, Beniapukur Police Station was directed to ensure that the order of ad interim injunction was implemented.

Records reveal that the ad interim order of injunction was extended at least up to 2014. However, it is submitted by the

learned Advocate for the petitioner that the interim order is still subsisting.

Moreover, 12 years have lapsed since the ad interim order was passed. As such, without ascertaining the present condition of the suit property and the nature of violation of the ad interim order, it is difficult for the Court to mandate the police authorities. The petitioner has also not filed any application under Order XXXIX Rule 2A of the Code of Civil Procedure before the learned Court below, alleging such violation.

Under such circumstances, in case the petitioner approaches the Beniapukur, Police Station with her prayer for implementation of the order of police help as passed by the learned Court below, the police authorities after making an enquiry and upon being satisfied that the ad interim order of injunction still subsists, shall take steps in order to ensure compliance of the order of the learned civil court upon hearing the petitioner as also the respondent Nos.5 and 6. The other remedy of the petitioner before the learned civil court is kept open.

The petitioner is directed to serve a copy of this order upon the police authorities as also the respondent Nos.5 and 6.

The writ petition is, thus, disposed of.

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.)