

06.02.2023
Court No.13
Item No13
pk

WPA 240 of 2023

Purnima Saha (Khara) and another
Vs.
State of West Bengal and others

Mr. Pampa Dey Dhabal
Mr. Nikhil Kumar Gupta
... for the petitioners

Mr. B. P. Mondal,
Mr. Sukanta Mondal
... for the respondent nos. 5 to 8.

The petitioners are aggrieved that the order of injunction dated 17th June, 2022 passed by the learned Civil Judge (Junior Division), Haldia in T. S. No. 182 of 2022 is being flagrantly violated by the private respondents.

It is submitted that the injunction is in force even as on date.

Counsel for the private respondents submits that they have not violated the injunction order.

This Court is unable to believe the same since the Mahishadal Police has taken out proceeding under Section 107 of the Cr. P. C.

A police officer is required to strictly enforce any order passed by the Civil Court as directed by the latter.

In the instant case, the petitioner has applied in the Court below under Section 151 of the Cr. P. C. seeking direction on the Mahishadal Police Station to strictly enforce the order of injunction, as above.

In the above circumstances, this Court directs the O. C., Mahishadal Police Station to ensure that

the private respondents do not in any way disturb the petitioners' possession or harm or threaten or intimidate him.

The Court of the learned Civil Judge (Junior Division), Haldia shall dispose of the petitioners' application under Section 151 of the Cr. P. C. and the application under Order 30, Rule 1 and 2 filed by her within a period of one month from the date of receipt of a copy of this order. The Court below shall also dispose of any application that may be filed by the defendants in the said suit.

In the event of any violation of the order of injunction by the private respondents, coercive measure shall be taken against them.

The Mahishadal Police shall, however, abide by any modification or variation of the order of court by the same court or by higher a civil forum.

The report of the O. C., Mahishadal Police Station dated 11.01.2023 is taken on record.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)