

28.03.2023
Court No.13
Item No.3
AP

WPA 365 of 2023

Rabindrakumar Hada
Vs.
The State of West Bengal and Ors.

Mr. Krishnendu Bera

... For the Petitioner.

Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar

... For the State.

Despite service of notice, the private respondents are not represented. Affidavit of service filed in Court today is taken on record.

The petitioner complains that the private respondents are violating an order of injunction dated 21st September, 2021 passed by the learned Civil Judge (Junior Division), 3rd Court, Howrah in Title Suit No.980 of 2021. The Civil Court has also directed the Belur Police to ensure that the injunction is not violated. The petitioner complains that the private respondents continue to violate the order and have encroached upon his premises.

Learned counsel for the State has produced a report dated 27th March, 2023 issued by the Officer-in-Charge, Belur Police Station and the same is taken on record.

It appears from the report that on the complaint of the petitioner Belur Police has registered FIR being Belur Police Station Case No.227/21 dated 6th October, 2021 and has completed the investigation and filed Charge Sheet No.274/21 dated 31st December, 2021. A further complaint has been registered against the private

respondents by the Police being FIR No.210/22 dated 19th September, 2022 and the investigation is on.

There is clear and prima facie evidence before this Court that the private respondents are violating the order of injunction of the Civil Court.

In the above circumstances, Belur Police shall post two constables at the land of the petitioner at the petitioner's cost for a period of one month. The cost of deployment of the aforesaid police personnel shall be communicated to the petitioner within three days from date. The deployment shall occur only after the deposit of the costs.

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.)