

05.06.2023
Court No.13
Item No.20
AP

WPA 4099 of 2023

**Surajit Infrastructure
Vs.
State of West Bengal and Ors.**

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Ms. Rini Bhadra
Mr. Pritam Chatterjee
Mr. S. Nag

... For the petitioner.

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas

... For the State.

Mr. Rohit Mukherji
Mr. Roshan Sengupta

... For the Respondent Nos.6 & 7.

1. The petitioner complains of alleged inaction on the part of the Belgharia Police Station in enforcing an order of injunction passed by the learned 2nd Civil Judge (Junior Division) at Barrackpore dated 16th December, 2022 in Title Suit No.591 of 2022.

2. The order ex facie appears to this Court to be vague and incapable of enforcement.

3. Admittedly, the petitioner is a contractor for supply of labour and building materials. The private respondent Nos.6 & 7 are effecting construction of a building. There are civil disputes and differences between the petitioner and the private respondents with regard to the value of the labour and materials supplied and the nature of work done.

4. Counsel for the private respondents further submits that there is an arbitration clause between the parties.

5. This Court cannot enter into the aforesaid civil disputes between the parties.

6. This Court finds no inaction on the part of the Belgharia Police Station. There is also no specific direction on the police.

7. Mr. Chatterjee, learned counsel for the petitioner submits that the regular 2nd Civil Judge (Junior Division) at Barrackpore is on leave.

8. This Court directs the Judge-in-Charge of the said Court, to forthwith take up the applications made by the petitioner as well as by the private respondent Nos.6 & 7 and dispose of the same in accordance with law as expeditiously as possible.

9. Belgharia Police Station shall comply with any specific order that may be passed by the Civil Court.

10. With the aforesaid directions, the writ petition shall stand disposed of.

11. There shall be no order as to costs.

12. Since the respondents have not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by them.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)