

23.03.2023
Item No.9
Court No.13.
AB

WPA No. 5736 of 2023

**Hazi Shamsheer Rahman Zamadar
Vs
The State of West Bengal & Others**

Mr. Abhishek Halder,
Mr. Swadesh Misra,
Ms. Madhurima Basu ...for the Petitioner.

Mr. Amitesh Banerjee,
Mr. Suddhadev Adakfor the State.

Md. Mahmud,
Mr. Fasiur Rahman Molla,
Mr. Afreen Nahar Mondal
....for the Respondent
Nos. 6 to 12.

The petitioner is aggrieved by the inaction of the Domjur Police Station. The petitioner claims exclusive right, title and interest in a particular property, which is the subject matter of Title Suit No.962 of 2021. The prayer for interim injunction made before the learned Civil Judge (Junior Division), 4th Court, Howrah has been declined. The petitioner carried the matter in appeal before the learned Additional District Judge, 3rd Fast Track Court, Howrah in Misc. Appeal No.58 of 2022. By a very detailed judgment and order dated 22.12.2022, the Additional District Judge has ordered temporary injunction restraining the private respondents/defendants in the suit from causing interference and/or disturbing the peaceful possession and enjoyment of the plaintiff over the suit property.

By a further order dated 7.2.2023, the Officer in Charge, Domjur Police Station was directed to see that the order of injunction passed on 22.12.2022 as confirmed subsequently is not violated.

The Counsel for the private respondents submits that they have challenged the order of the lower appellate court in an application under Article 227 of the Constitution of India being C.O. No.385 of 2023.

In the above circumstances, this Court directs the Officer in Charge, Domjur Police Station to strictly comply with the order of the Additional District Judge dated 22.12.2022 as confirmed on 13.1.2023.

The Domjur Police Station shall post a police picket comprising of three constables at the cost and expense of the petitioner. The cost for deploying such constables for a period of two months from date shall be communicated to the petitioner.

The aforesaid order shall abide by any order that will be passed by this Court in the aforesaid C. O. No.385 of 2023.

WPA No.5736 of 2023 stands, accordingly, disposed of.

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.)

