

24.07.2023
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Sl. No. 07
Ct. No. 14

WPA 7976 of 2023

Om Prakash Agarwal
-versus-
The State of West Bengal & Ors.

Mr. Sarbesh Pal

..... for the petitioner

Mr. T.M. Siddiqui
Mr. Amrita Lal Chatterjee

.....for the State

Mr. Rahul Karmakar
Mr. Subhajit Chowdhury
Ms. Ishita Kundu

.....for the respondent Nos. 5, 6 and 7

This is an application under Article 226 of the Constitution of India praying for direction upon the Officer-in-Charge, Sinthi P.S. being the respondent no. 4 herein to comply and implement the Trial Court's order dated 29.09.2021 passed by the learned Civil Judge (Senior Division), Sealdah in Title Suit No. 129 of 2021.

Copies of the order dated 31.05.2022 passed in T.S. Case No. 100 of 2021, order dated 19.06.2023 passed by this Court in WPA 20562 of 2022 and order dated 12.09.2022 passed by this Court in WPA 17516 of 2022 filed on behalf of the respondent Nos. 5 to 7 are taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. As would be evident from the order dated 06.02.2023 passed in the said T.S. Case no. 100 of 2021, learned Trial Court directed the

Deputy Commissioner of Police, North and North Suburban Division to make necessary enquiry and comply with the order dated 10.09.2021 and 31.05.2022 passed by this Court. However, this order was not complied with. This prompted the petitioner to approach the High Court in an application under Article 226 of the Constitution of India.

Learned counsel appearing for the respondent Nos. 5 to 7 submits that this is the third round of litigation by which the petitioner who wanted to have the civil Court's order executed. But, the civil Court is vested with sufficient powers to have an order executed. In any event, the order dated 31.05.2022 has been challenged in a civil revision by the private respondent which is pending in CO 2308 of 2023.

I have heard the submissions of learned counsel appearing for the petitioner and have perused the writ petition.

It appears that the order dated 31st May, 2021 is already under challenged in revision before this Court.

It further appears that earlier this Court refused to intervene with the proceeding in the applications for police inaction.

Therefore, I do not find any reason to interfere with the impugned proceeding.

Accordingly, the writ petition is dismissed without any order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)