

19-04-2023
ct no. 13
sl. 9
sp

WPA 8898 of 2023

Prem Shaw

-Versus-

State of West Bengal & Ors.

Mr. Mayukh Mukherjee,
Mr. Abhijit Singh,
Mr. Suvasis Saha

...for the petitioner

Mr. Debashish Ghosh,
Ms. Amrita Panja Moulick

...for the State

Mr. Abhishek Halder,
Mrs. P. Bandopadhyay,
Mr. Swadesh Misra,
Ms. Madhurima Basu

....for the respondent no. 9

1. The petitioner claims that the Titagarh Police Station has not enforced the order of injunction dated April 3, 2023 passed by the learned Civil Judge (Jr Division), 2nd Court at Barrackpore.
2. The petitioner complains that the private respondent, in violation of the order of injunction, is, not only dumping materials on the petitioner's land but also effecting construction encroaching thereon. The petitioner has lodged a complaint with the Titagarh Police Station asking for their intervention.
3. It is further complained to the police that the private respondent has claimed rights on the property on the basis of forged documents.
4. This Court is of the view that the police have little or no role to play in determining as to whether the private respondent is violating any injunction or

not. The petitioner may approach the Court below with an appropriate application alleging such violation, under the provisions of CPC.

5. The proceedings instituted before the Executive Magistrate under Section 144 of the Cr. P.C., is thoroughly misconceived since a Civil Court is seized of the dispute between the petitioner and the private respondent.
6. The private respondent claims to have instituted a prior civil suit being T.S. No. 572 of 2022 against the petitioner.
7. The dispute between the parties is purely civil in nature. However, the Titagarh Police Station shall attempt to complete investigation into the FIR being Titagarh Police Station Case No. 99 of 2023 dated 21.02.2023, within 4 months from date, if possible. The Titagarh police station shall strictly comply with the order that may be passed on them by the Civil Court.
8. With the aforesaid observations, the instant writ petition shall stand disposed of.
9. There shall be no order as to costs.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

