

15.06.2023
Court No.13
Item No.7
AP

WPA 12156 of 2023

**Sima Kayal
Vs.
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder

... For the Petitioner.

Mr. Amitesh Banerjee
Mr. Suddhadev Adak

... For the State.

Mr. Soumen Bhattacharya
Mr. Ankan Das

... For the Private Respondent.

1. The petitioner is aggrieved that despite an order dated 25th April, 2023 in TS No.582 of 2021 passed by the Civil Judge (Junior Division), 3rd Court, Baruipur, South 24-Parganas directing to implement the ad interim injunction order dated 24th November, 2021, the private respondents are continuing with construction and violating the said order.

2. The petitioner is stated to have lodged complaint with the Superintendent of Police, Baruipur Police District, South 24-Parganas against the IC, Joynagar Police Station. The petitioner is stated to have been abused and shouted at by the IC, Joynagar Police Station. It is submitted by the petitioner that the SDPO visited the police station and appropriately admonished the IC, Joynagar Police Station.

3. The Superintendent of Police, Baruipur Police District, South 24-Parganas shall take note of the above.
4. Joynagar Police shall strictly enforce the order of ad interim injunction and ensure that there is absolutely no construction in any form on the said land.
5. The IC, Joynagar Police Station shall submit a detailed report before the Court below regarding any activity on the suit property since after 24th November, 2021. Let such report be filed within ten days from the date of receipt of a copy of this order.
6. The Court below may take appropriate steps on any application that may be filed by the writ petitioner under Order 39 Rule 2(a) of the CPC.
7. It appears from the submissions of the State that the Joynagar Police has already registered FIR 180/2023 under sections 188, 323, 354, 506 of the IPC against the private respondents and a third person.
8. With the aforesaid directions, the 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.)