

07.02.2023.
Court No.13
Item No. 31
pk

W.P.A. No. 13329 of 2021
Nimai Chandra Sen
Versus
The State of West Bengal & Ors.

Mr. Kashiswar Ghosal

...For the petitioner.

Mr. Suman Chakraborty

... for the respondent nos. 5, 6 and 9.

The writ petitioner is aggrieved that the private respondents have violated an order of status quo dated 20.06.2019 passed by the learned Civil Judge (Senior Division), Arambagh in T. S. No. 60 of 2019 (Nimai Chandra Sen Vs. Laxman Sen and others). The parties are co-sharers in respect of a piece of land.

The private respondents are stated to have effected construction and have encroached into the petitioner's land. The petitioner's complaint to the Arambagh Police Station has been attended to and proceedings under Section 107/116(3) of the Cr. P. C. have been taken out.

The I. C., Arambagh Police Station, Hooghly has filed a report dated 02.02.2023 and the same is taken on record.

This Court is of the view that the remedy of the petitioner is to seek enforcement of the order of injunction and complain of its violation by the private respondents in the court below.

If the petitioner makes such application within a period of one month from date, the court below shall consider and dispose of in accordance with law as expeditiously as possible thereafter.

Arambagh Police shall ensure that there is no breach of peace in the area.

In view of the above, the instant writ petition is disposed of.

There will be no order as to costs.

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.)