

27.02.2023.
Court No.13
Item No. 535
ap

W.P.A. No. 16123 of 2021
Dipak Kumar Naskar
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh,
Mr. Koushik Banerjee.

...For the petitioner.

Mr. Shankha Shubhra Mukherjee.

...For the respondent no.5.

The petitioner alleges inaction on the part of Canning Police Station in enforcing an order of injunction passed by the learned Civil Judge (Junior Division) 1st Court at Baruipur, South 24 Parganas in Title Suit No. 405 of 2018.

The private respondent no.5 claims that the suit is in respect of a property on which the private respondents have no claim.

It is, however, alleged that the petitioner, under the strength of the injunction, was throwing, refuse into the property of a temple of which the private respondents are Deities.

This Court is of the view that the petitioner may seek enforcement of the order of injunction passed by the Civil Court before such Court itself.

The Inspector-in-charge, Canning Police Station shall, however, ensure that there is absolutely no breach of peace in the area.

With the aforesaid observations, the instant writ petition shall stand 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.)