

Ct. 14  
Item No.26  
25.07.2023  
(Suvendu)

**WPA 16270 of 2023**

**Tapan Mondal**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Kallol Kumar Basu  
Mr. Md. Jannat Ul Firdous  
.....for the petitioner

Mr. Pritam Choudhury  
Mr. Arindam Mitra  
.....for the State

Mr. M.L.Podder  
Mr. Sanjoy Ghosh  
.....for the private respondent

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to take appropriate steps for implementation of the order dated 31.05.2023 passed by the learned Civil Judge (Junior Division), 2<sup>nd</sup> Court, Basirhat, North 24 Parganas in Title Suit No. 242 of 2023.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing for the petitioner submits as follows. In 2016 by a deed of gift the petitioner's father gifted the property in question to

the petitioner and his wife. The private respondent tried to dispossess the petitioner and his wife from the subject land. An order of injunction was passed on 17.05.2023 by the learned Civil Judge in favour of the petitioner and against the private respondent. The order was extended thereafter. The private respondent has been digging the petitioner's land in violation of the Civil Court's order for constructing a pathway. The petitioner communicated the respondent nos. 2 and 3 about the order and also sought police help, but the police have done nothing in this regard.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. At present, there is no construction work going on in violation of the Civil Court's order. However, pursuant to the complaint lodged by the petitioner an appropriate action has been taken and a proceeding was initiated under Section 107 of the Code. The police are keeping a watch at the locality.

I have heard the learned counsels appearing on behalf of the parties and have perused the writ petition and the report filed by the State.

It appears that the petitioner instituted a Civil Suit regarding the issue against the private respondent and a restraining order was passed by the

Civil Court, which was sometime being purportedly violated by the private respondent.

It further appears that after this was brought to the notice of the police, a proceeding was initiated under Section 107 of the Code.

Therefore, there is no need to pass any further order at this stage.

However, the police shall maintain a strict vigil at the locale and see that no order of the Civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Jay Sengupta, J.)**