

20-03-2023

ct no. 13

sl. 18

sp

WPA 21345 of 2022

Madhusudan Biswas

-Versus-

The State of West Bengal & Ors.

Mr. Soumik Ganguly,
Mr. Lalratan Mondal,
Mr. Dilip Kumar Sadhu

...for the petitioner

Mr. Raja Saha,
Ms. Piyali Sengupta

...for the State

Ms. Shila Sarkar

....for the respondent nos. 5 to 9

The petitioner complains that the private respondents are violating an order of injunction dated December 1, 2021 passed in T.S. No. 521 of 2021 by the learned Civil Judge (Jr. Division), 3rd Court, Purba Bardhaman. The injunction order has been extended from time to time. The Court below has also appointed an Advocate Commissioner.

It is expected that the report of the Advocate Commissioner is received by the Court below and the scope and extent of the injunction order is elucidated by the Court below, expeditiously. Appropriate directions may also be applied for in the Court below on the local police.

The private respondents are represented, despite upgradation notice not having been served on them.

Counsel for the private respondents submits that they are not violating the order of injunction.

It appears that an appeal was preferred against the order of injunction by the private respondents being Misc. Appeal No. 38 of 2021 and the appeal was subsequently dismissed as not pressed.

The injunction order is subsisting. The petitioner should have applied before the Court below for special direction on the police.

Be that as it may, the Officer-in-Charge, Memari Police Station, Purba Bardhaman shall ensure that the order of injunction passed by the Court below, subject to any further order, is strictly complied with.

The petitioner shall, however, pay costs assessed at Rs. 4,000/- each to the private respondents and the Memari Police Station for not having given notice of upgradation and urgent listing of this matter.

The Memari Police Station shall maintain regular vigil over the said premises and shall also ensure that there is absolutely no breach of peace in the area.

With the aforesaid observations, W.P.A. 21345 of 2022 shall stand disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)