

13.04.2023
Court No.13
Item No.18
AP

WPA 23360 of 2022

**Sandip Sain
Vs.
The State of West Bengal and Ors.**

Mr. Allen Felix

... For the Petitioner.

Mr. Jahar Datta
Mr. S. Basu
Mr. S. Chakraborty

... For the State.

Mr. Falguni Majhi

... For the Respondent No.7.

The petitioner complains that Sadar Police Station, Burdwan has not enforced an order of injunction passed by the learned Civil Judge (Junior Division), 2nd Court, Burdwan in Title Suit No.565 of 2019.

It is submitted that the private respondent, in violation of the order of injunction, has constructed a drainage canal over the petitioner's private passage.

Counsel for the private respondent denies the allegations of the petitioner. The private respondents claim to have filed a counter claim in the suit, which is denied by the counsel for the petitioner.

This Court is of the view that since violation has already occurred and there is no specific direction on the police by the Civil Court, the petitioner may approach the Civil Court inter alia under Order 39 Rule 2A.

The Burdwan Sadar Police Station shall ensure that there is no breach of peace in the locale and shall

strictly comply with any order passed on them by the Civil Court.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)