

13.04.2023
Court No.13
Item No.20
AP

WPA 23449 of 2022

**Sri Kartick Chandra Guchhait
Vs.
The State of West Bengal and Ors.**

Mr. Sounak Bhattacharya
Mr. Raghunath Das

... For the Petitioner.

Mr. Himadri Sikher Chakraborty
Ms. Susnita Saha

... For the State.

Mr. Tanmoy Mukherjee
Mr. Kallol Kumar Maity
Mr. K. R. Ahmed

... For the Respondent No.9.

The petitioner complains that the private respondents have violated the order of injunction passed by the learned Civil Judge (Junior Division), 2nd Additional Court, Contai in TS No.168 of 2015. The petitioner has applied before the Court below under Order 39 Rule 2A. Local inspection has been ordered. The petitioner is aggrieved by the fact that the police is silent and the private respondents are continuing to effect construction.

Learned counsel for the private respondents submit that there is no bar on the construction being effected within the private respondents' property. They have not encroached upon the petitioner's land.

Learned counsel for the State has produced a report in the form of instructions dated 19th January, 2023 issued by the Inspector-in-Charge, Contai Police

Station addressed to the learned Government Pleader and the same is taken on record.

Learned counsel for the State submits that on the complaint of the petitioner proceeding has been drawn up under section 107 of the CrPC.

In that view of the matter, the petitioner may pursue appropriate remedies in the pending civil suit and the applications therein.

Contai Police shall, however, ensure that there is absolutely no breach of peace in the area and shall comply with any order that may be passed by the Civil Court on them.

With the aforesaid directions, 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.)