

16-05-2023
ct no. 13
sl. 343
sp

WPA 25151 of 2022
Emery Foods Private Limited & Ors.
-Versus-
State of West Bengal & Ors.

Mr. Rupak Ghosh,
Mr. Nikunj Berlia,
Mr. Mrigank Kejriwal,
Mr. Varun Kothari

...for the petitioners

Mr. A. Banerjee

..for the respondent nos. 7, 8 and 9

1. The petitioners complain that the private respondents are in violation of an order of injunction passed by the learned Civil Judge (Jr. Division), 1st Court at Serampore in T.S. No. 101 of 2022.
2. The petitioners have taken out proceedings under Order 39, Rule 2(a) of the C.P.C. and have also asked for a direction on the police under Section 151 of the C.P.C.
3. Counsel for the private respondents submits that there is an FIR registered against the petitioners that they are foreign nationals and citizens of Nepal.
4. In revisional proceeding being CRR No. 3094 of 2022 filed by the petitioners, the investigation has been directed to continue

but no coercive step are to be taken against the petitioners.

5. The writ petition, according to the counsel for the private respondents, is not maintainable.
6. Since violation of Article 21 of the Constitution of India is alleged by the petitioners against the police and the State and the benefit of Article 21 is available, even to non-citizens, the writ petition is held as maintainable albeit to a limited extent.
7. The Uttarpara Police Station shall strictly enforce any orders that may be passed by the Civil Court.
8. The police shall also ensure that there is absolutely no breach of peace in the area.
9. With the aforesaid observations, the instant writ petition shall stand disposed of.
10. There shall be no order as to costs.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)