

26.06.2023.
Court No.13
Item No. 298
ap

W.P.A. No. 25978 of 2022
Sk. Maidul Islam & Anr.
Versus
The State of West Bengal and others

Mr. Sreekumar Chakraborty.
...For the petitioners.

Mr. Biswajit Dutta.
... For State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The Officer-in-charge, Debra Police Station has filed a report dated 25th June, 2023, which is kept with the record.
3. It appears from the report that the private respondents are the co-sharers in a property with the petitioners. It further appears therefrom that Debra Police Station has received as many as eight complaints against the private respondents.
4. It also appears therefrom that FIRs have been registered, namely, FIR No. 138 of 2019 dated 13th March, 2019 which has resulted in Charge-sheet being C.S. No. 193 of 2019 dated 29th April, 2019, FIR No. 640 of 2021 dated 29th December, 2021 which has resulted in Charge-sheet being C.S. No. 106 of 2022 dated 20th March, 2022, FIR No. 641 of 2021 dated 29th December, 2021 which has resulted in Charge-

sheet being C.S. No. 73 of 2022 dated 22nd February, 2022 and FIR No. 626 of 2022 dated 6th December, 2022 which has also resulted in Charge-sheet being C.S. No. 73 of 2023 dated 27th February, 2023.

5. This Court notes that the private respondents have been served and there is no appearance on their behalf. There is clear evidence before this Court of blatant and flagrant violation of the order of injunction passed by the learned Civil Judge (Senior Division) 3rd Court, Paschim Medinipur in Title Suit No. 722 of 2018.

6. Let a detailed report be submitted by the Debra Police Station to the Civil Court in the aforesaid suit within a period of ten days from date.

7. It is submitted by the petitioners that not only has the construction been effect on joint, undivided property by the private respondents in violation of the order of the Civil Court and the private respondents are living therein, but the same is also without any sanction plan. The continued existence of the construction shall abide by the result of the Title Suit No. 722 of 2018.

8. In view of the blatant violation of the order of the Civil Court and continuous threat and intimidation of the petitioners by the private respondents, Debra Police Station shall apply for cancellation of the bail obtained by the private respondents.

9. In addition thereto, the petitioners may approach the Civil Court with an application under Order 39, Rule 2A of the Code of Civil Procedure and the Civil Court shall pass appropriate order in the matter.

10. Debra Police Station shall take all and every measure necessary to secure the petitioners from the private respondents and shall strictly and comprehensively comply with any specific direction of the Civil Court passed on them.

11. With the aforesaid observations, the instant writ petitioner shall stand disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)