

09.11.2023
Item No.32
Ct. No.5
Vacation Bench
CHC/S. De
(disposed of)

W.P.A.25884 of 2023

Smt. Sumitra Paria Pain
Vs.
The State of West Bengal & ors.

Mr. Tamal Ghosh,
Mr. Dhiman Mondal
...for the petitioner

Mr. Somnath Ganguli,
Mr. Sabyasachi Bhattacharjee
...for the State

The petitioner submits that taking advantage of the annual vacation, the private respondents are flouting the order of injunction passed by the learned Civil Judge (Sr. Division), 9th Court, Alipore on 31st July, 2023 in Title Suit No.1023 of 2023.

The petitioner was compelled to lodge complaint before the Officer-in-Charge, Sundarban Coastal Police Station on 19th October, 2023 where the petitioner alleges to have been threatened with dire consequences. Further complaint was lodged before the police on 26th October, 2023. None has been considered.

Learned advocate representing the private respondents submits that the petitioner ought to have approached the learned court below if there is any

violation of the direction passed by the learned court. The petitioner ought not to have approached this Court for relief.

It appears from the submission made on behalf of both the parties that there is a civil dispute which is pending consideration before learned court below. An ad interim order of injunction was passed and the defendants in the suit, that is, the private respondents herein were directed not to disturb the petitioner's peaceful user, enjoyment and possession of the suit property. The defendants were also directed not to change the nature and character of the suit property in any manner whatsoever.

A complaint has been lodged by the petitioner before the police alleging violation of the Court's order.

The police is directed to ensure that the order passed by the Court is strictly complied with and not flouted in any manner whatsoever.

It will be open for the petitioner to approach the learned court below seeking further relief.

Learned advocate for the petitioner is directed to forward copy of the representations dated 19th October, 2023 and 26th October, 2023 to the police authority for taking necessary action pursuant to the direction passed hereinabove.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)