

14.12.2023
Court No. 19
Item 464
CP

CPAN/1603/2023
In
WPA/2335/2022

UJJWAL MAJHI
VS
DEBASISH NAG, THE OFFICER-IN-CHARGE,
KALNA POLICE STATION

Mr. Bhagbat Chaudhuri
Mr. Sk. Nizamuddin
Ms. Barnali Gupta

... for the applicant.

The order passed by this court in the writ petition clearly indicates that there is a civil dispute and the remedy of the parties lie before the learned civil court.

The court had directed the police authorities to ensure that the order of ad interim injunction would not be violated.

The petitioner has filed this contempt application alleging that there has been violation of the order of this court by the police. To substantiate such claim, the petitioner has annexed a letter calling upon the police authority to comply with the order of this court and alleging that no steps were taken by the police authorities, despite such order.

The contempt application is not entertained for the following reasons:-

- a) If there has been violation of the order of injunction passed by a civil court, the petitioner's remedy would be before the

learned civil court. No such steps were taken.

- b) The police authorities were not informed by the petitioner about the modus in which the order of injunction was violated.
- c) There are no specific averments in the application which would indicate how the injunction order was being violated by the private party and how, despite the petitioner having brought the same to the knowledge of the police authorities, the police authorities failed and neglected to take steps.

Under such circumstances, the contempt application fails. The remedy of the petitioner is before the learned civil court.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)