

08.03.2024
Court No.13
Item No.228
AP

**CPAN 9 of 2024
In
WPA 12758 of 2021**

**Sri Jyotirmoy Roy
Vs.
Mr. Swapan Goswami,
The Inspector-in-Charge, Egra**

Mr. Amit Baran Dash
Ms. Ankana Sarkar

... For the Petitioner.

Mr. Sudipto Panda
Mr. Sajal Pandit
Ms. Upama Nandy

... For the State.

1. The Officer-in-Charge, Egra Police Station, Arun Kumar Khan has filed a report dated 6th March, 2024 and the same is taken on record.

2. It appears that two FIRs being FIR No.798 of 2023 dated 28th December, 2023 and FIR No.1 of 2024 dated 1st January, 2024 have been registered against the private respondents. Photographs have been annexed to the report of the police indicating substantial construction of brick walls and tin door by the private respondents. This appears to be clearly after the order of injunction as evident from the report of Sima Giri, Advocate Commissioner appointed by the Civil Court in TS No.290/20. The Civil Court's order has been clearly violated. The then Officer-in-Charge, Swapan Goswami has clearly not complied with the order of the Civil Court.

3. This Court has repeatedly indicated that if the Civil Court's orders are not complied with by the police, the entire justice delivery system could become useless. The faith of the people in the said system would be evaded. The conduct of the then Officer-in-Charge, Swapan Goswami appears to have facilitated the violation of the order of injunction passed by the Civil Court.

4. In that view of the matter, the Superintendent of Police, Purba Medinipur shall conduct an enquiry as to who amongst the Egra P.S. personnel is responsible for violation of orders of the Civil Court passed in TS No.290/20. Departmental action, in the nature of major penalty proceedings shall be initiated against the such officials.

5. The petitioner shall be at liberty to apply before the learned Civil Judge (Senior Division), 2nd Court at Contai in TS No.290/20 under Order 39 Rule 2A of the CPC. He shall be entitled to apply for demolition of any construction made in violation of the Civil Court's orders. The Civil Court thereupon shall pass appropriate order after hearing all the parties in accordance with law.

6. Let an action-taken report be filed by the Superintendent of Police, Purba Medinipur before the Registrar General of this Court within a period of one month from date.

7. The contempt application shall stand disposed of.

8. Personal presence of the alleged contemnor, if any, is dispensed with.
9. Rule, if any, shall stand discharged.
10. There will be no order as to costs.
11. Interim orders, if any, shall stand vacated.
12. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)