

Item No.9
31.07.2024
Court. No. 9
GB

W.P.A. 3931 of 2024

Rajesh Kumar Prasad & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Farooque Ali,
Mr. Sharukh Raja

...for the Petitioners.

Ms. Parna Roy Chowdhury

...for the Civil Judge (Jr. Div), Barrackpore.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The prayers in the writ petition are not entertained.
The petitioners have asked for a mandamus upon the learned Civil Judge (Junior Division), 1st Court at Barrackpore from continuing with the proceeding which the respondent nos.5 and 6 had initiated against the petitioners. The respondent nos.5 and 6 are the step sisters of the petitioners. Prayer is that Title Suit No.235 of 2022, which is pending before the learned Civil Judge (Junior Division), 1st Court at Barrackpore, should be quashed by the writ Court. Additional prayer has been made that the respondent nos.5 and 6 should be prohibited from initiating any further civil or criminal proceeding against the petitioners.
3. The High Court in exercise of power of judicial review under Article 226 of the Constitution of India, cannot injunct a judicial officer from continuing with the suit. Secondly, a blanket order of injunction upon a private party from taking legal steps against the petitioner,

cannot also be passed. The writ petition is thoroughly misconceived.

4. This Court would have imposed cost at such a frivolous application being filed, but it is undertaken by the learned advocate for the petitioners that the petitioners would follow the procedure of law and take steps in the pending proceedings.
5. Accordingly, writ petition is disposed of.
6. However, there will be no order as to costs.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)