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Ct 14

WPA 11715 of 2024

Smt. Rakhi Ray
-vs-
The State of West Bengal & ors.

Mr. Srijib Chakraborty
Mr. Dipankar Saha
Mr. S. Kr. Das

..for the petitioner
Mr. Vivekananda Bose
Mr. Ratikanta Pal
..for the respondent no.7
Mr. Wasim Ahmed
Mr. Sk.Md. Masud
...for the State

Copy of the order dated 24.04.2024 passed by the learned Civil Judge (Sr. Division), 1st Court, Asansol, Paschim Bardhaman in Misc. Appeal Case No. 13 of 2020, as filed on behalf of the petitioner, is taken on record.

Learned counsel appearing on behalf of the petitioner submits that initially the petitioner did not get an injunction order from the Civil Court. On appeal, on 12.03.2020, the respondent was specifically directed not to make construction till 16.04.2020. This was extended. On 24.04.2024, the police were directed to take positive steps for implementation of the injunction order. However, the appeal was preferred against one of the defendants being respondent no.13 herein. The land belongs to the petitioner. By an order dated 27.08.2019 passed by a Co-ordinate

Bench of this Court in WPA 16121 (W) of 2019, this Court directed the police to ensure that no breach of peace and tranquility occurred when the petitioner could make construction at the locale in terms of the allotment of the dealership by the Oil Company. The respondent no.7 was a party there.

Learned counsel appearing on behalf of the respondent no.7 denies the allegations and submits as follows. The petitioner was not made a party in the appeal before the Civil Court. It is denied that the petitioner has undertaken any construction work on the land. The land is a vested one. However, there was an old temple on it which the villagers including the petitioner thought of renovating. However, after the order passed by this Court, they have stopped making any construction.

The private parties shall be at liberty to implead others or themselves in the proceeding before the Civil Court being Misc. Appeal Case No. 13 of 2020 pending before the Civil Judge (Sr. Division), 1st Court, Asansol, Paschim Bardhaman.

Let the police authorities comply with the order passed by the Civil Court.

Till necessary impleadment is done, which should be done over an outer limit of two months from this date, the police shall see to it that no further construction or renovation is done in respect of the temple in the said land.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

As affidavits were not called for, allegations are deemed not to have been admitted.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)