

ML 1849
10.07.2024
Court. No. 9
GB

CPAN 663 of 2023
In
WPA 15032 of 2022

Mohammed Ali Noor Molla
Vs.
Mr. Anindya Dey & Ors.

Mr. Subham Ghosh

...for the Applicant.

The contempt application is misconceived.

The petitioner alleges that the police authorities did not comply with the order dated August 24, 2022, passed in WPA 15032 of 2022.

It appears that the petitioner approached the civil court by filing a suit and also an application for injunction. An application under Order 39 Rule 2A of the Code of Civil Procedure is also pending, alleging violation of an ad interim order.

The petitioner alleges that the construction was made by the private party without following the order of ad interim injunction and the police authorities did not take steps. The writ petition was disposed of directing the police authorities to ensure that the status quo is maintained. It is now contended that the order of status quo has not been maintained. The remedy of the petitioner is to get his application under Order 39 Rule 2A of the Code of Civil Procedure adjudicated.

This is a matter of evidence. Whether the construction was made before or after the order of ad interim injunction, cannot be decided in a contempt application.

Accordingly, the contempt application is disposed of.
Contempt proceedings are dropped.

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

(Shampa Sarkar, J.)