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27.06.2024
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**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 12760 of 2023

**Kartik Ch. Sarkar @
Kartik Chandra Sarkar & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Kartick Kumar Bhattacharya,
Mr. Subhas Chandra Dutta,
Ms. Soumashree Dutta,
Ms. Papiya Naskar.
...For the Petitioners.**

**Mr. Md. Sk. Galib,
Mr. Gourav Das.
...For the State.**

**Mr. Suresh Chandra Manna.
...For the Private Respondents.**

The petitioners complain that the private respondents have deliberately and intentionally violated the order of injunction passed by the learned Civil Judge, Junior Division, Tehatta, Nadia in TS Case No. 352 of 2022 on 26th September, 2022.

It appears that the Learned Trial Court passed an order of ad interim order of injunction in favour of the plaintiffs, i.e. the petitioners herein restraining the defendants, i.e. the private respondents herein from entering into the suit property, dispossessing the plaintiffs therefrom and disturbing the peaceful possession of the plaintiffs.

It has been reported that the order of injunction is valid till date.

The petitioners through their learned advocate approached the Officer-in-charge, Karimpur Police Station to take steps for compliance of the direction passed by the Court. As no step has been taken by the police, the instant writ petition has been filed.

Learned advocate appearing on behalf of the private respondents submits, upon instructions, that the interim order of injunction was obtained upon gross suppression of material facts. It has been submitted that the private respondents are in possession of the suit property.

On a query from the Court as to whether there is any order vacating the ad interim order of injunction, there is no positive reply to the same.

There is no report from the police before this Court.

From the order of injunction passed by the learned Civil Court, it appears that the schedule of the property is clearly mentioned therein. The petitioners as well as the private respondents both claim that they are in possession of the suit property.

It has been submitted by the learned advocate appearing on behalf of the petitioners that the land is demarcated and can be identified.

In view of the above, the Officer-in-charge, Karimpur Police Station is directed to ensure that the order passed by the learned Civil Court is strictly complied with.

In the event there is any issue with regard to the identification of the land in question, then the police shall intimate the same to the parties so that the parties can take necessary steps for implementation of the order of injunction before the learned Trial Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)