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23.09.2024
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WPA 20603 of 2024

Dajjis Ali @ Dorjet Ali
Vs.
The State of West Bengal & Ors.

Md. Younush Mondal
... for the petitioner.

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
... for the State.

Affidavit-of-service filed in Court be kept with
the record.

Report filed by the State be kept with the record.

The petitioner is the preemptor in a proceeding under Section 8 of the West Bengal Land Reforms Act. Record reveals that the learned Civil Judge (Junior Division), 1st Court at Barasat, District North 24 Parganas in Misc. (Pre-emption) Case no. 24 of 2024 passed an order on June 10, 2024 directing the private respondent nos. 5 and 6, who are the Opposite Party Nos. 1 and 2 in the Pre-emption case from disturbing the peaceful possession of the petitioner over the suit property and/or changing the nature and character of the said scheduled property and/or creating any third party interest over the scheduled property till July 25, 2024.

Learned advocate for the petitioner submits that the said ad interim order of injunction was subsequently extended and the same is still in force.

The petitioner lodged a complaint before the Inspector-in-Charge, Deganga Police Station on July 1, 2024 praying for implementation of the order of injunction passed by the learned Civil Court.

It appears that the Civil Court passed an ad interim order of injunction on June 10, 2024. Without making any observation as to whether an ad interim order of injunction can be implemented by police help, the writ petition is disposed of by giving liberty to the petitioner to approach the Civil Court wherein the pre-emption case is proceeding praying for implementation of the order of injunction. Upon such an approach being made, the learned Civil Judge shall decide the same in accordance with law.

With the above observations and directions, the writ petition stands disposed of.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)

