

26.09.2024
Sl. No. 230
g.b.
Court No.07

W.P.A. 20649 of 2024

Sahadeb Karmakar
-Vs-
The State of W. B. & Ors.

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basak
.....For the Petitioner
Mr. Suman Ghosh
Mr. Sankha Prasad Roy
.....For the State

The petitioner alleges that one Swapn Bag who is the defendant no.1 in Title Suit No. 897 of 2024 pending before the learned Civil Judge (Jr. Division), 7th Court at Howrah is violating the order of injunction passed on 4th July, 2024.

It appears from the record that the learned Civil Judge by an order dated 4th July, 2024 restrained the defendants i.e. Swapn Bag and others from changing the nature and character of the said schedule property for a limited period.

The petitioner submitted a representation before the Officer-in-charge, Jagatballavpur Police Station which is at page 58 of the writ petition wherein it has been stated that the Panchayat authority is making a road in his paternal property. Neither the Panchayat authority nor Swapn Bag are party respondents in this writ petition.

In the event, the petitioner seeks any relief against the Panchayat authority, it will be open to the petitioner to file an appropriate application in that regard. In case the petitioner alleges violation of the order of injunction passed by the Civil Judge, the petitioner is left free to approach the Civil Court alleging violation of the said order of injunction.

However, the police authority is duty bound to implement the orders of the Civil Court.

The report filed by the learned advocate for the State is taken on record.

With the above observation and direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)