

23.09.2024
Sl. No. 26
g.b.
Court No.07

W.P.A. 20634 of 2024

Rina Sadhukhan
-Vs-
The State of W. B. & Ors.

Mr. Abir Lal Chakraborty
.....For the Petitioner
Mr. Suman Ghosh
Mr. Chandan Chakraborty
.....For the State

Affidavit of service filed in court today is taken on record.

Learned advocate for the petitioner submits that the registered envelope addressed to the private respondents returned with the endorsement “unclaimed”. It is well settled that “unclaimed” amounts to good service.

The grievance of the petitioner is that the police authorities are not taking any step in respect of a direction passed by the Civil Court upon the police authorities to implement the order of injunction.

No one appears for the State in spite of service.

Mr. Suman Ghosh, learned advocate who usually appears for the State is present in court today and is requested to appear along with junior of his choice in this matter.

Let the appearance of Mr. Ghosh be regularized by the Government Pleader, High Court, Calcutta.

It appears from the record that the learned Civil Judge (Junior Division), 1st Court (I. C.), Sealdah by an order no. 1 dated 19.02.2014 in title suit no. 45 of 2014 restrained the defendant who is the predecessor of the private respondents herein from interfering with the plaintiff's right of easement over the suit property.

Learned advocate for the petitioner on instruction submits that the original defendant died in the meantime and the private respondents have been substituted in place of the deceased defendant in the said suit and the order of injunction was extended against the private respondents herein.

It further appears from the record that the learned Civil Judge by an order dated May 15, 2023 allowed an application under Section 151 of the Code of Civil Procedure and directed the officer-in-charge Belegghata Police Station to see that the injunction order dated 19.02.2024 is implemented.

In the event, the petitioner produces relevant materials before the officer-in-charge Belegghata Police Station in support of his claim that the said order dated 19.02.2024 is still in force, the officer-in-charge Belegghata Police Station is directed to comply with the order passed by the learned Civil Judge (Junior Division), 1st Court (I. C.), Sealdah on May 15, 2023 in Title Suit No. 45 of 2014.

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

The petitioner is directed to supply a copy of this order along with the documents as mentioned hereinbefore and upon receipt of such document, the respondent no. 5 shall act in accordance with this order.

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

(Hiranmay Bhattacharyya, J.)