

04.10.2024
Sl. No. 78
g.b.
Court No.07

W.P.A. 23629 of 2024

Sri Malaya Kumar Ghosh @ Malay Kumar Ghosh
-Vs-
The State of W. B. & Ors.

Mr. Swarup Banerjee
Mr. Arindom Chatterjee
Mr. Subham Biswas
.....For the Petitioner
Mr. Pinaki Bhattacharyya
Mr. Amartya Mohan Bhattacharyya
.....For the Private Respondent No. 5
Mr. Jayanta Samanta
Mr. Keshab Ch. Das
.....For the State

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

The petitioner has filed this writ petition praying for a direction upon the police authorities to implement the order of injunction passed by the learned Civil Judge (Sr. Division), 6th Court at Alipore in Title Suit No. 1289 of 2019.

The learned advocate appearing for the private respondent submits that the defendant no.5 has been impleaded in this writ petition and the other defendants have not been impleaded as parties in the writ petition.

The learned advocate appearing for the State files the report of the Inspector-in-charge, Budge Budge Police Station dated 19th September, 2024 which is taken on record.

Since the civil court is in seisin over the dispute between private parties and the petitioner has prayed for an order for implementation of the order of injunction passed by the civil court, this court is of the considered view that the petitioner should approach the civil court for appropriate reliefs.

With the above observation, the writ petition stands disposed of leaving the petitioner free to approach the civil court in accordance with law.

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.)