

Item No. 18

24.06.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23370 of 2023
Narender Kumar Jain
v.
State of West Bengal & Ors.

Mr. Samrat Choudhury
Mr. Simanta Chakraborty
... for the petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
... for the State.

Mr. Vivekananda Bose
Mr. Ratikanta Pal
... for the respondent no. 5.

The petitioner prays for an order directing the police to act in accordance with the order dated August 29, 2023 passed by the learned Civil Judge (Junior Division), 3rd Additional Court, Alipore, South- 24 Parganas in T.S. No. 985 of 2023.

By the said order the learned Court directed the Officer-in-Charge, Lake Police Station to implement the order of ad interim injunction passed by the Court in respect of the suit property in its true spirit and for the ends of justice.

Learned advocate representing the petitioner submits that after passing the aforesaid order certain fresh development took place. The private respondent

no. 5 through his men and agents put a padlock on the suit property.

The petitioner prays for a direction upon the police for breaking open the padlock.

Learned advocate representing the respondent no. 5 submits that the Company in question has gone into liquidation.

From the order passed by the learned Court below there is nothing to suggest that the said fact was brought to the notice of the Court.

It will be open for the petitioner to approach the learned Civil Court for obtaining order for breaking open the padlock.

The police, however, shall act strictly in accordance with the order of injunction passed by the Court on July 12, 2023 and ensure that the defendant, its men and agents do not disturb the peaceful possession of the petitioner over the suit property.

The writ petition stands disposed of.

Since the writ petition is being disposed of without calling for any affidavits, the allegations made therein are deemed not to have been admitted by the respondents.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)