

40 02.01.2024  
NB Ct. 14

**WPA 24241 of 2023**

Suparna Ghosh  
Vs.  
The State of West Bengal & Ors.

Mr. Sounak Bhattacharyya,  
Mr. Sounak Mandal,  
Mr. Abhirup Haldar..  
...for the petitioner.

Mr. Suman Sengupta Id. Sr. Govt. Adv.,  
Ms. Amrita Panja Moulick.  
....for the State.

Mr. Gopal Ch. Ghosh,  
Mr. Rajkrishna Mondal.  
...for the private respondent.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of the property in question. She runs a shop there. The private respondents have been trying to disturb the possession and enjoyment of the property by the petitioner. When they failed to make any headway in the Civil Court, they started engaging local goons to threaten, intimidate the customers who would come to the shop. In 2016, the Civil Court granted an injunction order in favour of the petitioner restraining the defendants from disturbing the possession of the shoproom. Since the same was being violated, an order was passed in terms of Section 151 of the CPC for police help. By an order dated 18.01.2018, a coordinate Bench of this Court modified the order dated 20.12.2016 passed by the Civil Court and directed that the

defendants' application pertaining to improper violation of the suit was disposed of by requesting the trial Court to undertake an enquiry to assess the appropriate court fees that ought to be paid by the plaintiff. As to the other part of the order pertaining to implication of the substantive injunction, the Deputy Commissioner of Kolkata Police, South Port was requested to render adequate assistance. In spite of that police failed to render any help.

Learned counsel appearing on behalf of the private respondents denies the allegations made in the writ petition and submits as follows. In the order dated 18.01.2018, this Court restrained the parties from removing goods or materials from the shoproom till the disposal of the injunction application.

Learned counsel appearing on behalf of the State submits that there exists a civil dispute between the private parties. However, the police are maintaining a close watch on the developments in the locality.

It appears that a civil dispute exists between the private parties. In fact, a civil suit is pending.

The direction passed by this Court on 18.01.2018 that the police was to render adequate assistance to ensure the order of injunction passed in the suit was not violated has to be read with the further direction that the parties were restrained from removing any goods or materials from the shoproom till the disposal of the injunction application. Incidentally, this order has not been challenged by either of the parties.

If the petitioner wants to establish any further right in respect of the said property, the same has to be done before the civil Court.

However, the police authorities shall keep a sharp vigil at the locale, ensure that no breach of peace takes place and see to it that no order of a civil Court is violated.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

**(Jay Sengupta, J.)**