

D/L84
20.11.2024
Bpg.
ct.no.35

W.P.A.25532 of 2024

**Ujjwal Majhi
Versus
The State of West Bengal & Ors.**

Mr. Sk. Nizamuddin
Ms. Barnali Gupta.
...for the petitioner.

Mr. Ansar Mondal
Mr. Asish Dutta.
...for the State-respondents.

Md. Nurezaman
Mr. Soumen Bose.
...for the respondent nos.6 to 12.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner is aggrieved by the fact that the order dated 18.11.2019 in T.S. No.217 of 2019 has not been given effect to by the police authorities.

Attention of the Court has been drawn to the order passed in WPA 2335 of 2022 wherein in similar set of circumstances in the same litigation between the same parties, a co-ordinate Bench of this Court was pleased to observe that the remedy of the petitioner is before the learned civil court. Petitioner thereafter filed a contempt application which also

failed. Petitioner is unable to show that till date the petitioner has approached the same civil court for implementing its order by invoking the relevant provisions of law particularly with regard to police assistance.

Learned advocate for the private respondent nos.6 to 12 opposes the contentions and submits that there was a direction for status quo.

Having regard to the manner in which the provisions of Article 226 of the Constitution of India has been sought to be invoked, I am of the view that the writ petition presently is not maintainable. Petitioner would comply with the earlier order passed by the co-ordinate Bench in the mode and manner so directed in WPA 2335 of 2022 on 30th June, 2022.

With the aforesaid observations, WPA 25532 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the learned advocate appearing for the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)