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Ct 14

WPA 25688 of 2023

Krishna Kumar Pandey

-vs-

The State of West Bengal & ors.

Mr. Sanjib Bandyopadhyay

...for the petitioner

Mr. K. J. Yusuf

Mr. Parikshit Goswami

...for the State

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

Despite service, no one appears on behalf of the private respondents.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondents are developers of a property while the petitioner had acted as a contractor for the civil work. Incidentally, the husband of the respondent no.7 is a local councilor belonging to the ruling political dispensation. The private respondents did not make payment for the work done by the petitioner even after completion of the project. The petitioner was constrained to approach the Civil Court. By an order dated 15.09.2021, the learned Civil Judge, Jr. Division, 6th Court, Alipore granted

the interim injunction directing maintenance of status quo in respect of nature, character, possession and alienation of the property. The order was extended from time to time. Even during pendency of this interim order, the private respondents violated the same and alienated portions of the property. This prompted the petitioner to approach the police for lodging an FIR, which was not registered. Only after a direction was passed under Section 156 (3) of the Code that an FIR was registered being Maheshtala PS Case No. 111 dated 11.03.2023 under Sections 420, 406 and 506 of the Indian Penal Code. However, no action has been taken by the police in this regard and the private respondents were allowed to obtain bail. A prayer was made to seek cancellation of their bail, but that was also not pursued.

Learned counsel for the State relies on the report and submits as follows. Notices were given under Section 41A of the Code. The accused surrendered before the learned trial Court and were released on bail. However, a charge sheet was submitted in May, 2023 under Sections 420, 406 and 506 of the Penal Code.

It appears that the petitioner had obtained an order of interim injunction on the said property and it is alleged that in violation of the order, the private respondents had alienated portions of the property.

It also appears that the police have taken action on the complaint of the petitioner by registering an FIR and thereafter, submitting a charge sheet.

Therefore, no further order need be passed in this regard.

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 be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)