

09.07.2024
Ct. No. 14
Sl. No.33
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 28540 of 2023

**Chetan Singh & Ors.
Vs.
The State of West Bengal & Ors.**

Md. Habibur Rahaman
Mr. Archisman Singh
... For the petitioner.

Mr. Arjun Ray Mukherjee
Mr. Subhendu Sen Gupta
... For the State respondents.

Mr. Soumyajit Bhatta
... For the respondent no.5.

The petitioner alleges that the respondent nos. 6 and 7 are very influential promoters of the locality. They have taken forceful possession of the subject property and is raising construction thereon without any sanction.

The petitioners filed a suit before the learned Civil Court being Title Suit No.7001 of 2014 (New). T.S. No. 455 of 2008 wherein an order of injunction was passed by the learned Court on 24th January, 2019 directing the parties to maintain status quo in respect

of the 'A' schedule suit property with regard to nature, character and possession till disposal of the suit.

Despite being made aware of the order of injunction, the private respondents are proceeding with the work of construction.

The police were also made aware of the order of the Court. A proceeding under Section 144(2) Cr.P.C. was initiated by the petitioner and the learned Executive Magistrate passed order on 22nd September, 2023 directing the police to ensure that the opposite parties does not make any illegal construction without the sanctioned plan by the concerned municipality.

All efforts of the municipality to prevent the unauthorized construction have gone in vain.

The petitioners pray for a direction upon the police to ensure that the order passed by the civil as well as criminal court is strictly followed.

Learned advocate representing the municipality submits, upon instruction, that on receipt of a complaint from the petitioners a spot enquiry was conducted. The private respondents refused to produce any document in support of the construction made and literally threw away the officers of the municipality from the said place.

The report filed by the Inspector-in-Charge, Khardah Police Station signed on 21st December, 2023

mentions that an enquiry was conducted and no new construction has been found.

It appears that report of the police is an old one. There is an order passed by the competent civil as well as criminal Court restraining construction in any manner whatsoever. The police are duty bound to comply with the direction passed by the Court.

The Officer-in-Charge, Khardah Police Station is directed to keep strict vigil over the property and ensure that construction in any manner whatsoever does not take place at the subject premises violating the order passed by the Court.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)