

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

45 02.9.2024
Sc Ct. no.2

WPA 1825 OF 2024

Smt. Chandana Chowdhury
Vs.
The State of West Bengal & Ors.

Mr. Ronit Kr. Jha
Mr. Biswarup Kr. Agarwal
Mr. Swapan Kr. Paul.
....For the Petitioner

Mr. Subir Kumar Saha
Ms. Bedashruti Bose.
....For the Respondent
Nos. 1 to 3/State

Mr. Sanjay Mazumdar
Mr. Sukanya Adhikary
Mr. Rahul Ghatak.
....For the Respondent
Nos. 5 to 7

Affidavit-of-service, filed in Court today, is
taken on record.

Mr. Ronit Kr. Jha, learned advocate appears
for the petitioner.

Ms. Bedashruti Bose, learned State counsel
led by Mr. Subir Kumar Saha, learned Additional
Government Pleader appears for the respondent
nos. 1 to 3.

Mr. Sanjay Mazumdar, learned counsel
appears for the private respondent nos. 5 to 7.
Rest of the respondents are not represented.

The petitioner has filed a civil suit before the jurisdictional civil court being **T.S. No.92 of 2024**. In the said civil suit the writ petitioner as the plaintiff has obtained an injunction restraining the defendants in the said civil suit who are the private respondents herein from dispossessing or ousting the plaintiff/writ petitioner from the suit property without due course of law. This interim order was initially in existence till **June 20, 2024**. This Court is informed by the parties that, subsequently the said interim order was extended.

The plaintiff/writ petitioner then applied under **Section 151** of the **Code of Civil Procedure, 1908** before the jurisdictional civil court and on **July 26, 2024** the trial court passed an order, **Annexure-P9 at page 40** to the writ petition directing a copy of the said ad interim injunction dated **May 21, 2024** to be sent to the **Inspector-in-Charge, Siliguri Police Station** for taking necessary action to uphold the order of injunction passed by the trial court in its letter and spirit and to submit a compliance report on the next date. The next date was fixed on **November 21, 2024**.

On the strength of the said order dated **July 26, 2024** the petitioner submits that, the police

authority has failed to discharge its obligation and duties in terms of the said order of the trial court dated **May 21, 2024**. Alleging such inaction on the part of the police authority, the instant writ petition has been filed.

Learned State counsel today submits a police report dated **August 21, 2024**, issued under the seal and signature of the **Commissioner of Police, Siliguri Police Commissionerate**, the same is taken on record. The said report contains a report dated **August 21, 2024**, issued under the seal and signature of the **Inspector-in-Charge, Siliguri Police Station** wherefrom it appears that the police authority has already taken step in the matter as would be evident from the record. A copy of the said report is also served upon Mr. Ronit Kr. Jha, learned counsel appearing for the petitioner.

In view of the above, nothing further survives in this writ petition.

The parties to this writ petition who are the parties in the said **Title Suit No.92 of 2024** shall take steps in accordance with law and as per the direction of the learned trial court as would be evident from the orders passed by it.

It is made clear that, this Court has not gone into the merits of the claim and the rival claim of

the writ petitioner and the private respondents herein and the parties shall be at liberty to take their respective points before the learned trial court in the pending civil suit.

The jurisdictional civil court is requested to dispose of the injunction application as expeditiously as possible without being influenced by any observation made by this Court herein and the trial court shall proceed in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the parties to the said pending title suit in any manner.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have admitted by the respondents.

With the above observations and directions this writ petition, **WPA 1825 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)