

Court No. 2
11.9.2024
(Item No. 33)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1839 of 2024

Najima Khatoon @ Najima Khatun & Anr.
VS
The State of West Bengal & Ors.

Mr. Rajat Das

..... for the petitioners

Ms. Aayushi Agarwal

Mr. Nigam Mittal

Ms. Meghana Joshi

.... For respondent Nos. 9, 10 and 12 to 14

Ms. Bedashruti Bose

Mr. Sandip Guha Roy

.... For the State

Affidavit of service filed in Court today, is taken on record. The affidavit shows that, respondent No. 11 is deceased, as such the notice could not be served on him. So far as other private respondents are concerned, the postal remark shows **“not claimed”**.

The scope of this writ petition is very limited. Referring to **annexure P-3** at **page 28** to the writ petition, learned advocate Mr. Rajat Das appearing for the petitioners submits that, in a partition suit being **T.S. No. 28 of 2024** the learned Civil Judge, Senior Division, Jalpaiguri passed an order of injunction dated **February 16, 2024** and then by another **order being No. 6 dated June 20, 2024 (as wrongly typed as June 2023)**, as submitted by the learned advocate for the petitioners), the jurisdictional Civil Court directed the jurisdictional Police station to take

necessary steps so that the injunction order dated **February 16, 2024** may be properly implemented.

Learned counsel for the petitioners submits that, despite the said order being served upon the jurisdictional Police Station, it has not taken any step, hence this writ petition.

Ms. Bedashruti Bose, learned State counsel appearing for the respondent Nos. 1 to 8 submits a report dated **September 3, 2024** issued under the seal and signature of the Commissioner of Police, Siliguri Police Commissionerate, the same is taken on record. As an enclosure to said report, the report dated **August 29, 2024** issued under seal and signature of the Officer-in-charge, New Jalpaiguri Police Station shows that since the dispute is civil in nature and a Civil Suit is pending, appropriate and lawful action can be taken as and when required.

Ms. Meghana Joshi, learned advocate appears for private respondent Nos. 10 and 12 to 14. She submits that, copy of the writ petition has not been served upon them. However, she also opposes the prayers made on behalf of the petitioners.

The respondent No. 11 has died.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, the petitioners shall serve a copy of today's order along with a copy of the said order dated **June**

20, 2024 (wrongly typed as June 20, 2023) and the original injunction order dated **February 16, 2024** upon the jurisdictional Police Station and upon receiving such communication the jurisdictional Police Station shall take all steps strictly in accordance with the direction of the jurisdictional Civil Court dated **June 20, 2024 (wrongly typed as June 2023)** forthwith in accordance with law and shall ensure that the direction of the jurisdictional Civil Court is complied with.

The jurisdictional Civil Court is requested to complete the trial and come to its logical conclusion strictly in accordance with law, as expeditiously as possible, in the said pending Civil Suit.

It is made clear that, this Court has not gone into the merits of the pending Civil Suit or of the contentions of the respective parties therein in any manner and the jurisdictional Civil Court shall proceed with the trial of the said pending Civil Suit in accordance with law and without being influenced by any observation made by this Court.

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

With the above observations and directions, this writ petition **W.P.A. 1839 of 2024** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)