

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**MAT/1367/2025
With
IA NO: CAN/1/2025**

**SRI C. V. RANGA VENKATESH RAO
VS
THE STATE OF WEST BENGAL AND ORS.**

For the Appellant	: Mr. Joyak Kumar Gupta, Advocate
/writ petitioner	Mr. Pranab Halder, Advocate
	Mr. Nandadulal Bandyopadhyay, Advocate

For the State	: Mr. Dipanjan Datta, Advocate
	Ms. Rituparna Ghosh, Advocate

Heard & Judgment on: August 27, 2025

Md. Shabbar Rashidi, J.

1. Appeal has been preferred against a judgment and order passed by the learned Single Judge on July 30, 2025 passed in WPA 16333 of 2025.
2. By the impugned judgment and order the learned Single Judge dismissed the writ petition filed on behalf of the writ petitioner.
3. It is the case of the writ petitioner that, the writ petitioner was aggrieved by the actions of the respondents in so far as the order

passed by the learned Civil Judge (Junior Division) in Title Suit No. 746 of 2024 pending before the learned 3rd Civil Judge, Junior Division, Alipore is concerned. It was the contention of the writ petitioner that in spite of a specific direction contained in the order passed in the said Title Suit, the police authorities were not acting in terms of the directions so passed in the Title Suit. It was also contended that the respondents put a padlock affecting the rights of the petitioner in respect of the demised premises and also the writ petitioner was facing acute water supply problem.

4. Upon hearing the learned advocates appearing for the parties, the learned Single Judge observed that in case of breach of an order passed by a Civil Court, the remedy lies with the Civil Court itself. Civil Court is sufficiently empowered to execute its order. On such premises the learned Single Judge dismissed the writ petition.
5. From the materials on record, it appears that there are disputes concerning the property in between the writ petitioner and the respondents. There is a civil suit pending between the parties, though, there was no specific direction upon the police authorities passed in the said Civil Suit. The materials on record go to show that there was an ex parte ad interim order of injunction passed in the aforesaid Title Suit being Title Suit No. 746 of 2024. At the time of hearing it is informed that the said ex parte ad interim order

of injunction was confirmed by the learned Trial Court. It has been submitted that there has been flagrant violation of the order of injunction so passed by the learned Civil Judge, Junior Division. Materials on record placed before us do not demonstrate that the petitioner ever approached the learned Trial Court with regard to the alleged violation of the order of injunction passed by it. The writ petitioner ought to have approached the learned Civil Court which passed the order of injunction complaining its violation by the respondents or any other party in an appropriate proceeding before such Court.

6. The learned Single Judge dismissed the writ petition on the premise that breach of the Civil Court's order has proper remedies before the Civil Court itself. No such remedy has been availed of by the writ petitioner, though, the writ petitioner complains of violation of an order of injunction passed by a competent Civil Court.
7. In such view of such fact, we are also of the opinion that the writ petitioner has an efficacious alternative remedy before the learned Civil Court and chose not to avail it.
8. Under such circumstances, we find no reason to interfere with the impugned judgment and order passed by the learned Single Judge.
9. We find no merit in the present appeal.

10. Accordingly, the appeal being MAT/1367/2025 along with the connected application are dismissed without any order as to costs.
11. None of the observations made in this order shall prejudice the rights of the parties in respect of the demised properties and/or in respect of any proceedings to enforce such rights.

(Md. Shabbar Rashidi, J.)

12. I agree.

(Debangsu Basak, J.)