

Court No. 2
(1545)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

27.10.2025
(JPD 7)
(S. Banerjee)

WPA 1806 of 2025

Biplob Majumder
Vs.
The State of West Bengal & Ors.

Mr. Bhaskar Roy Mahasaya
Ms. Taniya Bhowmik
... for the petitioner

Ms. Bedashruti Bose
Mr. Sourav Sarkar
... for the State

Affidavit of service filed in court today is taken
on record.

It has been submitted by the learned advocate
for the petitioner that the respondents have been
duly served.

In spite of service none appears for the private
respondent. State is represented by its learned
advocates.

Learned advocate appearing for the petitioner
submits that in spite of an order passed by the civil
court directing the Inspector-in-Charge, New
Jalpaiguri Police Station to provide necessary
assistance to the petitioner for implementation of

the ad interim order of injunction, no steps have been taken by the police authorities.

Learned advocate representing the State seeks time to take instructions as to whether the police authorities have taken steps in terms of the order passed by the civil court.

The petitioner filed a suit for declaration of title and for permanent injunction restraining the private respondents from trespassing into the suit property and/or from creating any obstruction and/or interference in the peaceful use, enjoyment and possession of the petitioner in respect of the suit property. Learned Civil Judge (Jr. Division), Jalpaiguri by an order dated April 4, 2025 allowed the prayer for ad interim injunction thereby restraining the defendant/private respondent from interfering with the peaceful possession of the plaintiff/petitioner in respect of the suit property for a limited period. Alleging that the private respondents were violating the ad interim order of injunction, the petitioner filed an application under Section 151 of the Code of Civil Procedure before the learned civil court which, however, stood allowed by an order dated May 14, 2025 by directing the Inspector-in-Charge, New Jalpaiguri Police Station

to provide necessary police assistance to the petitioner for implementation of the ad interim order of injunction.

Without entering into the issues as to whether an ad interim order of injunction can be implemented through police help, it is observed that, the police authorities are duty-bound to obey the orders passed by the civil court unless the same is modified or set aside by a competent court of law.

Learned advocate appearing for the petitioner submits that the ad interim order of injunction dated April 4, 2025 has been extended from time to time and the same is still subsisting and the order dated May 14, 2025 has not been modified or set aside by the court of competent jurisdiction.

In the light of the aforesaid submissions made by the learned advocate appearing for the petitioner, the writ petition stands disposed of by directing the Inspector-in-Charge, New Jalpaiguri Police Station, being the 4th respondent, to comply with the order dated May 14, 2025 passed by the civil court unless the same is set aside or modified by any court of competent jurisdiction.

It appears from the order dated May 14, 2025 that the police authority was directed to file a report before the civil court.

Inspector-in-Charge, New Jalpaiguri Police Station is directed to submit a report pursuant to the order dated May 14, 2025, if not already submitted.

Since no affidavit has been called for, the allegations contained in the writ petition shall not be deemed to have been admitted.

(Hiranmay Bhattacharyya, J.)