

T.S.135 of 2023
CNR No WBWM0K000257-2023
J.O Code-WB01513

Order No.15 Dated-11-02-2025.

Today the record is put up on the strength of put up petition.

A petition under section 151 of C.P.C has been filed on behalf of the plaintiff.

The petition has been received by the defendant Advocate but did not turn up.

The plaintiff showed urgency related to the case.

This Court finds that there is an urgency involved in the present put up petition hence it is taken up for hearing.

This is an application filed under Section 151 of the Code of Civil Procedure, 1908, seeking police assistance for the enforcement of the order dated 20.09.2024 passed by this Court in favor of the plaintiff.

It is stated that by the said order, this Court had restrained the defendant from encroaching upon any portion of the suit property and from constructing any wall within three feet from the border line of the suit property. The order was passed upon a full-contested hearing, and the defendant was duly aware of the same.

The plaintiff has alleged that despite the subsistence of the injunction order, the defendant is continuing illegal construction in violation of the Court's direction. The plaintiff has also lodged complaints with the local police, being GDE No. 1137 dated 18.03.2024, and has approached the I/C, SDPO, and S.P., Paschim Medinipur, but has not received any relief. Further, the plaintiff has submitted CCTV footage as proof of the defendant's continued violation of the Court's order.

Additionally, the plaintiff has received a show-cause notice under Section 126 of BNSS Act and is required to appear on 13.02.2025. However, the plaintiff has stated that he is presently out of station due to personal work in Bangalore.

Considering the facts and circumstances of the case, and upon perusal of the materials placed on record, this Court finds that the defendant's actions amount to a deliberate violation of the injunction order dated 20.09.2024.

Such conduct not only undermines the authority of this Court but also necessitates immediate intervention to uphold the sanctity of judicial orders.

Hence, it becomes necessary to pass order under 151 of CPC.

Accordingly I am of the view that the petition for police help deserves to be allowed at this stage for ends of justice.

Hence, it is

Ordered.

that the same and the petition under sec 151 for police help dated 11/02/2025 is allowed without any order as to costs.

The I/C Kharagpur Town P.S, Paschim Mednipur.is directed to ensure that sanctity of the order dated 20-09-2024 passed by this court is maintained.

Let a copy of this order along with the copy of the order dated 20-09-2024 be sent to the I/C Kharagpur Town P.S, Paschim Mednipur.

To **21.03.2025** for Police report/amendment plaint.

Dictated by me

Civil Judge (Jr. Divn.)
Kharagpur Paschim Medinipore

Sd/-
Civil Judge (Jr. Divn.)
Paschim Medinipore Kharagpur