

Title Suit No.634 of 2022
CNR No.WBBD040008842022
JO Code-WB01443

Order No.12/31.08.2023

Today the date is fixed for police report and passing order Under Section 151 of CPC.

Plaintiff files hazira.

Defendant no.1 to 5 files hazira alongwith W/S, W/O and exparte vacating petition and acceptance of W/S along with Vokatnama. Let the exparte vacating petition be kept with the record for hearing on the next date along with acceptance of W/S.

Considered.

It appears from the record that the enquiry report has been filed by S.I of police Bhatar, Digbijoy Nandi dated 25.08.2023. From the enquiry report it appears that the police official has taken up the work of deciding as to who is the owner of the schedule land and inspite of making the enquiry as to whether there is any violation of injunction order or not, we have taken up the arduous work of aiding this Court regarding the determination of ownership of the plaintiff and the defendant over the instant suit land.

With great chagrin this Court expresses its utter discord regarding the nature of enquiry taken up by the police officials while exercising their duty delegated upon them by the Civil Court before passing any order of police protection and this Court finds that immediate steps are required to be taken by the police officials of Bhatar PS while sending police report before this Court. They are required to perform their duty of informing this Court regarding the injunction order whether maintained or not and to aid in giving protection to the Court's order.

This kind of enquiry report is not incongruous from the police officials and inspite of constant emphasize by this Court on the directions passed by the Hon'ble High Court at Calcutta vide order dated 02.05.2023 in W.P.A. 21504 of 2022, the police officials have failed to adhere with strict compliance of the directions passed by the Civil Court and they have taken up the arduous work of deciding as to who is the actual owner of the disputed land, inspite of intimating this Court regarding the compliance of the order of injunction by both parties over the schedule land.

Considering the above facts and circumstances, this Court by taking a liberal view, is taking into account this enquiry report and is giving strict direction to O/C Bhatar to take necessary action in correction of the practices which the police officials are continuing and thereby hampering the justice system.

Let the copy of this order be forwarded to S.P, Purba Bardhaman for his information and necessary action.

Accordingly, the record is taken up for passing necessary order under Section 151 of CPC dated 31.07.2023.

It transpires from the record that the Officer-in-charge of Bhatar Police Station, Purba Bardhaman forwarded a report before this Court made by S.I Digbijoy Nandi from which it crystallised that the defendants are cultivating over the alleged land over which they have been restrained vide order no.08 dated 20.06.2023.

In **Paresh Chandra Das v. Bikash Kumar Das 2010 (2) CLJ 110** it was observed by the Hon'ble Court that it is the duty of the court to see that its order of injunction is properly implemented and if it is found that reasonable threat from the side of the defendant for doing any mischief for violation of the order of injunction then the court should pass necessary

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direction upon the police authority to render assistance to the parties in whose favour injunction was granted so that the order of injunction is strictly implemented.

Herein, this Court finds that there is a chance of breach of peace on the same issue if a sharp vigil is not kept over the defendants as the police officials also corroborated that the defendants are cultivating the alleged land till date. As such, the Court holds that the allegation regarding violation of injunction order remains uncontroverted.

Hence, it is

ORDERED

That the Officer-in-charge of Bhatar Police Station, Purba Bardhaman, is directed to render all necessary police help to the plaintiff for implementation of the temporary order of injunction passed on 20.06.2023 till disposal of the suit, so that nature and character of the suit property cannot be changed by the defendants or their men and agents during the pendency of the suit or unless it is otherwise directed by the Court of competent jurisdiction.

Further, this Court while passing the directions upon the Officer-in-Charge, Bhatar Police Station would also like to take the liberty to remind the concerned Police Authorities to strictly adhere with the directions passed by the Hon'ble Calcutta High Court in Order dated 02.05.2023 in **WPA 21504 of 2022**, in the matter of **Dulal Sardar v. State of West Bengal and Ors** and the concerned circular issued by the **WB Police Direction, Bhabani Bhawan being Memo No.337/Law Cell dated 04.05.2023**, which contemplates to the strict compliance of the directions passed by the Civil Courts, failure of which would act as an impediment to the justice system and the system would be frustrated by such inaction on the part of the Police authorities.

Let the copy of this order be sent to the Officer-in-charge of Galsi Police Station and the S.P., Purba Bardhaman for strict compliance.

Thus, the instant application is disposed of.

To 05.10.2023 for acceptance of W/S and hearing of exparte vacating petition.

The office is directed to do the needful.

Dictated & Corrected by me.

Sd/-
TRIASHA BANERJEE
CIVIL JUDGE (JR. DIVN.), 4TH COURT
BURDWAN

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CIVIL JUDGE (JR. DIVN.), 4TH COURT
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