

Title Suit 64 of 2025

Order no. 08 dated: 16.05.2026

Today is fixed for hearing of the petitions u/s. 151 of CPC for police help.

The petition u/s. 151 of CPC is taken up for hearing.

Plaintiff filed hazira.

Defendant No. 1 filed hazira.

Heard Ld. Advocate for the plaintiff who submitted that on 07.05.2025 this Court was pleased to pass an order of injunction ex-parte by directing both the parties to maintain status quo with regard to the nature, character and activities as on this day in respect of the schedule property. Now the Defendants No. 1 on 26.04.2026 engaged some masons and started raising construction. The foundation of the building is done.

The defendant No. 1 deliberately making construction over the suit property violating the order of interim injunction passed by this Court and even threatening the plaintiff with dire consequences in case of any resistance. Hence the plaintiff prays for directing the O.C of Amta Police Station to implement the ad interim order passed by this Court on 07.05.2025.

Ld. Advocate for defendant Nos. 1 raised vehement objection stating that the instant application is not premature and exhausted one. The defendant has filed written objection and written statement due to which this application should not be heard on its merit. The plaintiff is not in possession of the suit property. He wants to come in possession with the help of police protection which tantamount to bad intention of the plaintiff. So this application should not be allowed.

Defendant relied on the following case law:

2025 (4) ICC (Cal)

Heard. Considered.

After perusal of the record, it is seen that the Order of injunction was passed by directing both the parties to maintain status quo with regard to the nature, character and activities as on this day in respect of the schedule property. But from the evidence it is seen that some constructions are going on over the schedule suit property. If such construction is not stopped at this stage then it will lead to multiplicity of proceedings.

Considering the above facts and circumstances I'm inclined to allow the instant application filed by the plaintiff. The plaintiff's prayer for police help is hereby allowed and the Officer-in-charge of Amta P.S is directed to see that the order passed by this Court is implemented in its true spirit and for the ends of justice.

Hence, it is

ORDERED

that the instant application under section 151 of the code of civil procedure filed by the plaintiffs for police help is considered and allowed on contest.

Accordingly the Officer-in-Charge of Amta police station is hereby directed to implement the order of ad interim injunction passed by this court on 07.05.2025 in respect of the suit property in its true spirit and for the ends of justice. The Officer-in-charge of Amta P.S. is also directed to submit the detailed report in respect of the construction and condition over the schedule suit property.

Let a copy of this order along with the copy of the order of temporary injunction passed by this court on 07.05.2025 be sent to the Officer-in-charge of Amta police station for taking necessary action.

Fixing 23.06.2026 for police report.

Dictated & corrected by me

CJ

**Civil Judge (Jr.Div.)
Amta, Howrah**