

29.09.2020
D/L No.29
Court No.24
s.biswas

WPA 6885 of 2020
With
CAN 1/2020 (Old No. CAN 5962 of 2020)

Sunil Kumar Ray
Vs.
State of West Bengal & Ors.

(Through Video Conference)

Mr. Tanmay Basu

... .. for the petitioner

CAN 5962 of 2020 is an application for urgent hearing of the writ petition and is disposed of by taking up the writ petition for consideration.

Petitioner complains of police inaction.

Learned counsel appearing for the petitioner submits that there subsists an order of status quo. However, there is also an application for temporary injunction under Section 151 of the Civil Procedure Code pending.

The private respondent, taking advantage of the lockdown, is making construction despite the order of Civil Court.

In the facts of the present case, there is civil suit pending between the private parties being T.S. No.18 of 2020 (C.S. No.18 of 2020). There subsists an ex parte ad interim order of injunction dated January 21, 2020 directing the parties to maintain status quo in respect of the suit regarding title, possession, nature and character as on the date of such order.

There is an application under Section 151 of the Civil Procedure Code pending before the Civil Court in seisin of the suit. There is also a complaint to the police that one person is making “illegal action” at the suit premises.

In the event, there is a breach of order of the Civil Court, it is for such Civil Court to consider on an appropriate application for the same.

Since the disputes between the private parties are civil in nature and the complaint to the police dated February 20, 2020 does not disclose commission of any cognisable offence, I am not minded to interfere in the present writ petition.

WPA 6885 of 2020 is disposed of.

(Debangsu Basak, J.)