

AD. 7.
December 24, 2020.
MNS.

W. P. A. 7088 of 2020
with
IA NO: CAN 1 of 2020
and
CAN 2 of 2020
(Via video conference)

Partha Pratim Mondal
Vs.
The State of West Bengal and others

Mr. Arup Nath Bhattacharyya,
Mr. Anirban Ray,
Ms. Sayani Das,
Ms. Sreetama Biswas

... for the petitioner.

Mr. Subrata Guha Biswas

...for the State-respondents.

Mr. Achintya Kumar Banerjee,
Ms. Indumouli Banerjee

...for the respondent nos. 4, 5 and 6.

Mr. Anit Kumar Das

...for the respondent no. 7.

Although the matter is appearing under the heading 'to be mentioned', on consent, the matter is taken up for hearing.

When the matter is taken up for hearing, an adjournment is sought for on behalf of the respondent-authorities, on the personal ground of learned counsel appearing in the matter.

The grievance of the petitioner is that, despite an order of *status quo* having been passed by a civil court in a partition suit, the same was flouted, followed by an order dated December 19, 2014 passed in the suit (Title Suit No. 145 of 2006) directing the Officer-in-Charge of the Baguiati Police Station to render all possible aid to the petitioner for implementation of the said *status quo* order. Subsequently, an order was passed by a co-ordinate Bench of this Court on February 3, 2016 in C. O. No. 4527 of 2015, where caustic remarks were made against the Officer-in-Charge of the Baguiati Police Station for not complying with the said order of police help and the Officer-in-Charge was warned that in future he should be more cautious and vigilant.

At this juncture, the learned junior counsel appearing for the State files a report in the form of inspection, which indicates that charge-sheet has already been filed in the matter by the police authorities. Let such report be kept on record.

Learned counsel appearing for the private respondent nos. 4, 5 and 6 argues vehemently that all necessary parties were not impleaded in the partition suit and that the petitioner has

sufficient alternative remedy, for which the writ petition ought to be dismissed.

It is further submitted on behalf of the private respondent nos. 4, 5 and 6 that the petitioner has to satisfy the court first that there was actually a violation of the order of *status quo* to get a direction on the police in aid of such order.

However, as it appears, in the present case, not only an order of *status quo* was passed but the civil court specifically directed the police authorities to implement the said order of *status quo*. Thereafter, the concerned police officer had been hauled up for having not complied with the order of police help upon which an unconditional apology was tendered by the Officer-in-Charge, apparently leading to the filing of the charge-sheet, as indicated today.

On such factual backdrop, it does not lie in the mouth of the private respondent nos. 4, 5 and 6 to oppose such prayer for police help, all the more since the order of police help granted by the civil court has already attained finality, leaving no scope to be at variance with the same. Since the order of police help was already passed by the civil court and appropriate directions were

specifically passed by a co-ordinate Bench, there is no alternative before this Court, in this writ petition, but to reissue the direction on the police authorities to afford police protection for the purpose of implementation of the *status quo* order.

Accordingly, W. P. A. 7088 of 2020 and CAN 1 of 2020 and CAN 2 of 2020 are disposed of by directing the respondent no. 3 to afford police protection to the petitioner whenever the police is approached by the petitioner for breach of the *status quo* order passed by the civil court.

That apart, the respondent no. 3 shall ensure that the charge-sheet filed in respect of the violation reaches its logical culmination at the earliest.

There will be no order as to costs.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court. In any event, the petitioner is granted liberty to communicate the gist of this order to the respondents even without waiting for such server copy to be uploaded and the respondents are directed to act upon the same.

(Sabyasachi Bhattacharyya, J.)