

18.11.2020
Item No.1
Ct. No.24
CHC

**W.P.A.7529 of 2020
C.A.N.1 of 2020
(Via Video Conference)**

**Sri Mahendra Nath Saren & anr.
Vs.
State of West Bengal & ors.**

Mr. Subhasish Pachhal
...for the petitioners

Mr. Bhaskar Prasad Vaisya,
Mr. Arindam Chattopadhyay
...for the State

Mr. Animesh Pal,
Ms. Fatima Hassan,
Mr. Debendra Ghosal
...for the respondent no.7

C.A.N.1 of 2020 is application for urgent consideration of the writ petition. The application is disposed of by taking up the writ petition for consideration.

Petitioners complain of police inaction.

Learned advocate appearing for the petitioners submits that, although, private respondent no.7 filed Title Suit No.38 of 2020 and obtained an order therein such suit relates to an immovable property different to that on which the petitioners obtained a sanctioned plan for construction. The police are

obstructing the petitioners from making the construction. The sanction plan is in respect of a property which is not the subject matter of T.S. No. 38 of 2020.

The State and the private respondent are represented.

Learned advocate appearing for the State submits that, the police acted on the basis of an order passed by the Civil Court directing the private parties to maintain *status quo* with regard to the immovable property concerned.

Learned advocate appearing for the private respondent submits that, the private respondent filed a suit for partition in which an order of *status quo* was passed by a learned Judge. He submits that, although, the suit for partition was filed subsequent to the filing of the writ petition, then also, since Civil Court is in seisin of the suit for partition, the petitioner is not entitled any relief in the present writ petition.

In the facts of the present case, there are two civil suits pending. It is the contention of the petitioners that Title Suit No.38 of 2020 do not relate to the property owned by the petitioners. There is, however, suit for partition between the private parties in which there subsists an order of *status quo*.

In such circumstances, since there subsists an order of *status quo*, passed in a suit for partition involving the immovable property over which the petitioners claim rights, as a Writ Court I am not inclined to interfere. This, however, will not prevent the private parties from availing of their remedies before appropriate forum, in accordance with law.

W.P.A.7529 of 2020 is disposed of.

(Debangsu Basak, J.)