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21.10.2020
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WPA 7587 of 2020
with
C.A.N. 1 of 2020
(VIA VIDEO CONFERENCE)
Sk. Belal Hossain
Vs.
The State of West Bengal & Ors.

Mr. Ratul Biswas.
... for the petitioner.

Mr. Atarup Banerjee.
... for the private respondent.

CAN 1 of 2020 is disposed of by taking up the writ
petition for consideration.

Petitioner complains of police inaction.

Learned advocate for the petitioner submits that,
despite an order dated September 28, 2018 passed in Title
Suit No. 30 of 2018 directing the parties to maintain status
quo, the private respondents are violating such order. The
private respondents are cutting trees on land belonging to the
petitioner. The police are inactive.

None appears for the State.

Learned advocate for the private respondent
submits that, a previous writ petition was withdrawn by the
writ petition on January 9, 2018. He submits that, the private

parties are 'patta holders'. The land is yet to be demarcated by the Block Land and Land Reforms Officer (BL & LRO). He denies the allegation of cutting of trees.

In the facts of the present case, it appears that there are disputes between the private parties with regard to an immovable property. The petitioner filed a civil suit being Title Suit number 30 of 2018 and obtained an interim order directing the parties to maintain status quo, on September 28, 2018. Subsequent thereto, according to the petitioners, the private respondents acted in violation of such order of status quo. In such circumstances, in the event, there is a violation of an order passed by a Civil Court, the plaintiffs of such civil suit are at liberty to take appropriate steps in accordance with law. Interference by a Writ Court of such score is not necessary.

So far as the complaint against police is concerned, petitioner has statutory alternative remedy available under Section 156(3) of the Code of Criminal Procedure, which the petitioner can avail of.

In such circumstances, I am not minded to interfere in the present writ petition.

WPA No. 7587 of 2020 is disposed of without any

order as to costs.

(Debangsu Basak, J.)