

AD. 29.
January 8, 2021.
MNS.

W. P. A. 122 of 2021
(**Via video conference**)

Bisweswar Sardar
Vs.
The State of West Bengal and others

Mr. Ashok Kumar Chowdhury

... for the petitioner.

Mr. Santanu Kumar Mitra,
Md. Mirza Kamruddin

...for the respondent-authorities.

The petitioner alleges that the private respondents are disturbing the petitioner's possession in respect of the petitioner's property and issuing threats to the petitioner, prompting the petitioner to approach the police authorities with complaint in that regard.

Learned counsel further submits that the petitioner is already armed with an order of *status quo* passed by the competent civil court as well as an order of the concerned Magistrate under Section 144(2) of the Code of Criminal Procedure. However, the police are not taking any steps, allegedly, to implement such orders.

Learned counsel appearing for the respondent-authorities submits that there is no

specific order from the concerned executive Magistrate but only a direction upon the police to file a report. That apart, learned counsel for the respondent-authorities argues that no specific allegation of inaction on the part of the police authorities has been disclosed in the present writ petition.

In any event, the matter primarily pertains to the civil rights of the private parties and, particularly in view of pendency of a civil suit regarding the disputed property, it would be inappropriate to pass any specific direction at this stage.

Accordingly, W. P. A. 122 of 2021 is disposed of by granting the petitioner liberty to approach the appropriate civil court in the event the order of *status quo* passed by the civil court is violated by the private respondents. If so approached, the competent civil court, where the suit is pending, that is, the Civil Judge (Senior Division), First Court at Baruipur, shall decide such application of the petitioner in accordance with law, if necessary, passing adequate directions for implementation of its own order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)