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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 1574 of 2021

(Via Video Conference)

Abdul Hai Molla

-vs.-

The State of West Bengal & Ors.

Mr. Abhijit Sarkar

...for the petitioner

Mr. T.M. Siddiqui,
Mr. N. Chatterjee

...for the State-respondents

The petitioner alleges that the private respondents, who are local goons having political affiliation and have been roaming around with arms, are restraining the petitioner and his family members from entering into the petitioner's own house.

Learned counsel appearing for the State-respondents files a report, authored by the Sub-Inspector of Police, Minakhan Police Station, which indicates that the petitioner filed a civil suit where an order was passed directing both the parties, including the petitioner and the private respondents, to maintain *status quo* in respect of the nature, character and possession of the suit property till disposal of the suit. The police report also indicates that, on a previous

complaint lodged by the petitioner, a First Information Report was registered and investigation has taken place, culminating in a charge sheet being filed. Apart from that, on the other complaint of the petitioner, police have initiated proceedings under Section 107 of the Code of Criminal Procedure.

The writ petition, however, does not disclose the pendency of any civil suit or any order of *status quo*. As such, it is not possible to ascertain whether the civil court came to a specific finding as to who was in possession of the property-in-question when the order was passed. In the absence of any such finding, it would be premature to direct the police-authorities to assist the petitioner in entering into the suit property, since it may very well be that the petitioner was originally not in possession thereof.

However, the writ court, with its constraints, cannot go into the merits of the dispute of title between the private parties, particularly since the same is the subject matter of the suit pending at the behest of the petitioner before a competent civil court.

Accordingly, W.P.A. No. 1574 of 2021 is disposed of by granting the petitioner liberty to approach the civil court for implementation of the *status quo* order passed by the civil court, upon prima facie satisfaction of such court as to the violation of such order by the private respondents.

It will be open to the petitioner to approach the police, in the event an order of police help is specifically passed by the civil court. In such event, the respondent no. 5 shall take appropriate action to ensure that the order of the civil court is implemented.

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 of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)