

AD. 15.
February 24, 2021.
MNS.

W. P. A. 610 of 2020
(**Via video conference**)

Dulal Sardar and another
Vs.
The State of West Bengal and others

Sk. Abdus Salam,
Mr. B. Saha,
Mr. Subrata Mukherjee

... for the petitioners.

Mr. Raja Saha,
Ms. Tanusri Chanda

...for the State-respondents.

Affidavit-of-service filed in Court today be
taken on record.

Despite service, none appears on behalf of
the private respondents, although the petitioners
and the State-respondents are represented
through counsel.

The petitioners, armed with an order of
status quo passed by a civil court, approached
the police authorities with the allegation that the
private respondents are violating such *status quo*
order by trying to encroach upon the petitioners'
land, on which allegedly no action has been taken
by the police.

However, the appropriate remedy for the petitioners will be to approach the civil court, which passed the order of *status quo*, for implementation of the same, as the question whether the private respondents actually violated the said order is required to be decided on *prima facie* evidence, which is beyond the scope of the writ court.

Accordingly, W. P. A. 610 of 2020 is disposed of with liberty to the petitioners to approach the civil court which passed the *status quo* order for implementation of the order of *status quo*.

It is made clear that the merits of the matter have not been gone into and it will be open to the civil court to decide such question independently in accordance with law.

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.)