

12.08.2021.
Item No. 72.
Court No.13
pk

**W.P.A. No. 9205 of 2021
(Through Video Conference)**

**Naused Ali Khan @ Nowsad Ali Khan
Versus
The State of West Bengal & Ors.**

Mr. Mrinal Kanti Ghosh

..for the petitioner.

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag

...for the State.

The writ petitioner had applied before the Officer-in-Charge, Bakultala Police Station, Nimpith, South 24 Parganas for assistance in effecting construction over the land that belongs to him. The same has not been granted to him.

The writ petitioner seeks direction upon the police and complains of inaction. It appears that T. S. No. 77 of 2020 is now pending before the learned Civil Judge (Senior Division), 1st Court at Baruipur, South 24 Parganas. An order of status quo has been passed therein.

Counsel for the petitioner would argue that the status quo does not cover the land on which construction is being effected and the petitioner is restricted to 25 decimals of land which is on the northern side of the writ petitioner's plot.

Bakultala Police Station has refused to interfere with the matter at the instance of the writ petitioner in view of the pending civil proceeding.

This Court is of the view that the civil court, before which the suit is pending, is the best placed to interpret the scope of the order of status quo passed by it.

With the aforesaid observations, the writ petition is disposed of with liberty reserved to the petitioner to seek clarification from the civil court as regards the scope of the status quo order.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)