

S/L No.42
20.12.2021
Ct-13
(AD)

(Through Video Conference)

WPA 19979 of 2021

Smt. Suprabha Pradhan
vs.
The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta
Mr. Subhadeep Chatterjee
...for the petitioner.

Mr. Raja Saha
Mr. Biswabrata Basu Mallick
... for the State.

The writ petitioner is aggrieved by the fact that the private respondents are effecting construction over a property which is subject matter of a civil suit being Title Suit No.113 of 2015 now pending before the learned Civil Judge (Junior Division), 1st Additional Court, Contai.

It is submitted that the civil court had passed an order of *status quo* on the parties with a direction not to change the nature and character of the land in question. The dispute between the petitioner and the private respondent is with regard to the demarcation of land which they claimed to have purchased from the original owner.

Counsel for the petitioner submits that the petitioner has approached the Marishda Police Station, Purba Medinipur for protection and to ensure that the

order of civil court is complied with. Inaction on the part of the police is alleged.

Reliance has been placed in the case of *P.R. Murlidharan vs. Swami Dharmananda* reported in (2006) 4 SCC 501, in support of the argument that a Civil Courts order can be enforced in a writ petition.

Counsel for the State submits that since the land is not demarcated and both the petitioner and the private respondents claimed a right to the said property. Both the parties are storing construction material thereat. It is also submitted by Mr. Saha on instructions that there is no construction over the said property as on date.

This Court is of the view that the decision of the Supreme Court in the *P.R. Murlidharan's case (supra)* has been rendered in the peculiar facts of the case. There is no conclusive declaration of law that a writ court can enforce all Civil Court orders.

Be that as it may, this Court directs the Officer-in-Charge, Marishda Police Station to ensure that there is no breach of peace in the said area and regular vigil is kept thereon.

The writ petition is disposed of reserving the rights of the petitioner to approach the civil court and proceed in accordance with law. There shall be no order as to costs.

All parties shall act on the server copy of this

order duly downloaded from the official *website* of this Court.

(Rajasekhar Mantha, J.)