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1.10.2021
S.D.

WPA 8020 of 2020

**Sanjay Chowdhury
Vs.
The State of West Bengal & Ors.**

Mr. Tapas Kumar Dey
Mr. A.K. Dutta

....for the petitioner.

Ms. Jayeeta Sinha
Mr. Sandip Mandal

....for the State.

The writ petitioner is the owner by purchase of 3.30 decimals of demarcated vacant land comprised in R.S. Plot No. 2011 appertaining to Khatian No. 1293, J.L. No. 34 of Mouza- Makardah under Police Station- Domjur, District – Howrah being classified as 'Bagan'. A suit being Title Suit No. 284 of 2012 was filed before the Civil Court, Junior Division, 4th Court, Howrah as the private respondent was clouding the title of the petitioner taking advantage of easement right. The Civil Court in an application Under Order 39, Rules 1 and 2 read with Section 151 of the Civil Procedure Code initially passed an interim order of injunction which was made absolute by directing both the parties to maintain status quo in respect of the suit property till disposal of the suit.

It is pointed out that defying the Civil Court's order, the private respondent is raising Puja Pandal on the land of the

petitioner and for that an application was filed before the Officer-in-Charge, Domjur Police Station for implementation of the status quo order in respect of the nature and character of the suit property passed by Civil Judge, Junior Division, 4th Court, Howrah.

Learned counsel for the petitioner submits that a Misc. case under Order 39, Rules 2A of the Civil Procedure Code has been moved on behalf of the petitioner and so also an application under Section 151 of the Civil Procedure Code for direction upon the Officer-in-Charge to see that order of the Court is regarded by the parties to the suit.

Having heard learned counsel for the parties, the Officer-in-Charge is directed to see that parties to the suit maintain the order of status quo passed by the Civil Court. Accordingly, writ application being WPA 8020 of 2020 is disposed of.

No order as to costs.

All parties are directed to act on the server copy downloaded from the Official Website.

(Shivakant Prasad, J.)