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SK/SB
Ct. No. 08
20.07.2021

(Via Video Conference)
W.P.A. No. 8455 of 2020

Saokat Khan @ Sawkat Ali Khan @ Swakat Khan
Vs.
The State of West Bengal & Ors.

Md. Makaram Hassain,
Mr. Soumen Gayen,
Mr. Avijit Ghoshal ... For the petitioner.

Sk. Md. Galib,
Ms. Subhra Nag ... For the State.

Mr. Sounak Bhattacharyya,
Mr. Sounak Mandal ... For the private respondents.

The petitioner complains of police inaction.

Learned advocate appearing for the petitioner submits that there subsisting an interim order passed by the civil Court in a suit directing the parties to maintain status quo with regard to possession, nature and character of the suit property. He submits that, by virtue of the order of the Special Bench, the interim order stand extended. The interim order is subsisting till date. He submits that the petitioner approached the executive Magistrate who directed compliance of the civil Court's order. The private respondents are acting in breach of the order of the civil Court.

The State and the private respondents are represented.

Learned advocate appearing for the private respondents submits that, the petitioner applied for

the self-same relief before the civil Court. Such application is pending. According to him, the interim order is incapable of being enforced as it is vague. The interim order in any event is not subsisting.

Since the petitioner approached the civil Court with the self-same relief has sought for in the present writ petition, and such application being pending, I am not minded to interfere under Article 226 of the Constitution of India.

It is clarified that the Court did not enter into the merits of the rival contentions of the parties.

W.P.A. 8455 of 2020 is disposed of accordingly.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Debangsu Basak, J.)