

6th January,
2021
(AK)
11

W.P.A 8889 of 2020

Sk. Sahadat
Vs.
The State of West Bengal & Ors.

Mr. S. G. Chowdhury
...For the Petitioner.

Mr. Wasim Ahmed
Mr. Tousif Ahmed Khan
...For the State.

The grievance of the petitioner is that, although an order of status-quo was passed by a Civil Court in a partition suit and subsequently the petitioner obtained a restraint order, in consonance with the Civil Court's order, from the Criminal Court under Section 144(2) of the Criminal Procedure Code, the police authorities are turning a deaf ear to the petitioner's complaint with regard to violation of such status-quo order by private respondents.

However, since a prima facie adjudication is required before granting police help, as regards whether the private respondents are actually violating the status-quo order, W.P.A. 8889 of 2020 is disposed of by granting the petitioner liberty to approach the Civil Court, where the partition suit is pending, to implement its order of status-quo, in whatever form permitted by law.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)