

08.01.2021

BP
Sl. 47

WPA 10127 of 2020

(Via Video Conference)

Debabrata Bhattacharya

Vs.

The State of West Bengal & Ors.

Mr. Mahammad Mahmud
Mr. Biswajit Bhattacharya
..for the petitioner.

Mr. Suman Sengupta
Mr. Sanatan Panja
..for the State.

Mr. Shamit Sanyal
Mr. Siddharta Ghosh Roy
Mr. P. Banerjee
..for the respondent nos. 4 to 10.

Affidavit of service filed in Court today be kept
with the record.

The petitioner claims that he is the owner of a
property which is the subject matter of a suit for
partition being Title Suit No. 37 of 2014 pending before
the Civil Judge (Senior Division), First Court, Hooghly
at Chinsurah.

The petitioner relies upon an order dated March
20, 2015 passed by the civil court directing both the
parties to maintain status quo with regard to nature,
character, possession, construction over 'A' and 'C'

schedule of plaint and counter claim.

The grievance of the petitioner is that the private respondents have started making construction in violation of the order of injunction passed by the civil court. The petitioner claims to have submitted a representation before the Superintendent of Police praying for taking necessary steps so that the private respondents do not violate the order of status quo.

The petitioner says that in spite of receipt of the said representation the police authorities have not taken any steps to implement the order of status quo passed by the civil court. On the other hand, it is the claim of the petitioner, that the police authorities have permitted the private respondents to continue with his construction work.

Mr. Sanatan Panja, learned advocate appearing for the State submits that the police authorities have already taken steps on the basis of the complaint made by the petitioner and have already served notice directing the private respondents herein to abide by the order of the civil court.

Mr. Shamit Sanyal, learned advocate appearing for the private respondents denies the allegation of the petitioner that they are raising construction on the property in violation of the order of injunction. He submits that the petitioner is not making any

construction at present on the properties over which an order of status quo has been passed by the civil court.

I have heard the learned advocates for the respective parties and have considered the materials on record.

Since the police authorities have already taken steps on the basis of the complaint made by the petitioner, no further order need be passed in the instant writ petition. It is recorded that the police authorities are duty bound to take appropriate steps for implementation of the order of injunction passed by the civil court.

WPA 10127 of 2020 is disposed of with the above observation.

Urgent photostat certified copy of this order, if applied for, be given on priority basis.

(Hiranmay Bhattacharyya, J.)

