

11<sup>th</sup> January,  
2021.  
(as)  
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**W.P.A.11946 of 2020**

(Via Video Conference)

**Habibar Rahaman @ Habibar  
Rahaman Mondal.**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Indradeep Pal.  
...for the Petitioner.

Ms. Chama Mukherjee,  
Ms. Paramita Pal.  
...for the State Respondents.

The petitioner's allegation is that, despite having obtained an order of status quo in respect of the disputed property from a civil court, the police authorities are not taking any action on the petitioner's complaint regarding violation of the order by the private respondents, who are defendants in the suit.

Learned counsel for the respondent authorities submits that there was a noticeable gap between the date of alleged violation of the civil court's order and the date of the complaint of the petitioner, which contention is controverted by learned counsel for the petitioner.

Be that as it may, since the petitioner has ample alternative remedy by way of application for implementation of the civil court's order before the said court itself, apart from taking recourse to applications under Order 39 Rule 2A of the Code of Civil Procedure, it

would be judicially inappropriate for the writ court to usurp such forum, particularly since the merits of the question of violation of the civil court's order by the private respondents have to be examined, at least prima facie, to direct implementation by police help, which factual exercise is beyond the domain of the writ court.

Accordingly, the WPA 11946 of 2020 is disposed of by granting the petitioner liberty to approach the competent civil court taking up the suit, alleging violation of the said court's order by the private respondents. If such an approach is made by the petitioner, the civil court shall dispose of such application as expeditiously as the business of the said court permits, without being prejudiced in any manner by any of the observations made in this order.

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.)**