

30.8.2022
Sl.No.580
sn

WPA 3916 of 2022

**Rahaman Tarafdar & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Bhaskar Chandra Manna
..for the petitioners
Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
..for the State**

The police authorities have enquired into the matter and filed a report. It appears that the grand father of the petitioners had filed a suit, being Title Suit No. 303 of 1962. A decree was passed by the learned Munsiff, Bongaon for declaration and permanent injunction. The right, title and interest of the predecessor in interest of the petitioners were declared. The defendants were restrained by an order of permanent injunction from interfering with the plaintiffs, possession.

The petitioner prays that the police be directed to help the petitioner in the construction of a boundary wall.

It is the contention of the petitioners that unless the boundary wall is erected around the property in question, in respect of which the right, title and interest of the petitioners have been declared by the learned Civil Court, the property may be wasted or damaged

Proceedings arising out of the said land are pending before the Division Bench of this Court vide WPLRT 121 of 2012. In the said proceeding, an interim order of status quo had been passed with regard to the nature, character and possession of the said property in question. The proceedings arose out of an order passed by the learned West Bengal Land Reforms & Tenancy Tribunal with regard to the correction of record of rights. Such proceeding was initiated by the petitioners.

Under such circumstances, in the teeth of the order of status quo which has been passed by the Division Bench of this Court, this Court cannot permit the petitioners to raise a boundary wall with the help of the police authorities.

The petitioners will be at liberty to approach the Hon'ble Division Bench, by filing an appropriate application.

The police authorities will maintain peace.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)