

30.08.2022
Court No. 19
Item 582 (ML)
CP

WPA No. 4265 of 2022

Mahima Ranjan Saha & ors.
Vs.
The State of West Bengal & ors.

Ms. Madhumita Patra
...for the petitioners.

Ms. Chaitali Bhattacharya
Mr. Kartick Ch. Kapas

....for the State.
Md. Kutubuddin

...for the respondent nos. 6 to 10.

It appears that on the allegations of violation of the order of status quo passed by the learned civil court, an application under Order 39 Rule 2A of the Code of Civil Procedure has been filed before the learned court below. The petitioner submits that in violation of the order of status quo, the respondent nos. 6 to 10 have continued with the alleged construction.

Such allegation is denied by the said respondents. According to them, they are constructing on the area which is in their possession and upon permission from the concerned panchayat authorities.

The police authorities have filed a report. It appears that on three occasions prosecution was

submitted against the said respondents. The said report is taken on record.

As there is an order of status quo with respect to the suit property till the disposal of the partition suit, it is the duty of the police authorities to implement such order of status quo with regard to the nature, character and possession of the property in question in its letter and spirit. It is a matter of public policy that such order is implemented.

Under such circumstances, the writ petition is disposed of. The police authorities shall keep a vigil and implement the order of status quo, strictly in terms of the order that was passed by the learned civil court in respect of the suit property.

The proceedings which are pending before the learned civil court, shall continue independently and the court below shall not be influenced by the observations made in this writ petition.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)