

14.06.2022
Sl. No.33
srm

W.P.A. No. 5327 of 2022
Smt. Manju Rani Saha & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal,
Ms. Poulami Chakrabarty
...for the Petitioners.

Mr. Amal Kumar Sen, Id. AGP
Mr. Jaladhi Das
...for the State-respondents.

Despite service, none appears on behalf of the respondent Nos.6 to 8. Affidavit-of-service is taken on record.

There is already an order of *status quo* passed in Title Suit No.113 of 2012 dated July 16, 2022 whereby the defendant No.1 in the said suit, namely Sri Arun Kumar Saha, the respondent No.6 herein, was directed to maintain *status quo* in respect of Plot No.1049/2484 with regard to the nature and character of the property. The order of ad interim injunction was made absolute by an order dated January 19, 2013. The petitioners alleged before the learned trial Court that the respondent No.6 was trying to raise a construction in violation of the order of *status quo*. The petitioners filed a complaint

before the police authorities which resulted in registering of a general diary.

The petitioners, lodging such disobedience, approached the learned Court below for necessary orders of police help by filing an application under Section 151 of the Code of Civil Procedure in the civil suit. The said application was allowed by an order dated February 4, 2022. The allegation is that the construction is going on at the instance of the respondent Nos.6 to 8 and the police authorities have not taken any steps to stop such construction work, by implementing the order of the learned civil Court.

Mr. Sen, learned Additional Government Pleader, appearing on behalf of the State-respondents, has filed a report prepared by the Officer-in-Charge, Taherpur Police Station, Ranaghat Police District. The same is taken on record. It appears that during the subsistence of an injunction order, the respondent No.6 sold the property, which is the subject matter of dispute in the civil suit and also in this proceeding, to some third parties. Such third parties again transferred the property. Further, an order was also passed by the learned Executive Magistrate, Ranaghat under Section 145 of the Code of Criminal Procedure directing the police authorities to ensure

that the petitioners would not make any construction on the suit land.

Thus, according to Mr. Sen, in view of the multiple transfers, coupled with the order of the learned Executive Magistrate, the police authorities were not in a position to implement the order of *status quo*.

The law is well settled that when the civil court has passed a direction upon the police authorities for implementation of the order of injunction, the same must be obeyed. The transferees have now stepped into the shoes of the respondent No.6. The validity of the alleged transfer in the teeth of an injunction order is also to be decided. The order of *status quo* with regard to the nature and character of the property clearly indicates that none of the parties can change the nature and character of the property in question, till the title was decided by the learned civil court. The order passed by the court must be obeyed and police must enforce the same. It is a question of public order and discipline.

Under such circumstances and in view of the subsequent transfers, the petitioners are directed to take appropriate steps before the learned Court below within two weeks from date and also pray for necessary orders for protection of the property in question. Till further orders are

passed by the learned civil Court, the police authorities shall ensure that the *status quo* is maintained with regard to the property in question.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)