

03.11.2022.
Court No.13
Item No. 28
ap

W.P.A. No. 6319 of 2022

**Nasirudin Khan
Versus
The State of West Bengal & Ors.**

Mr. Goutam Banerjee,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh,
Ms. Priya Dey.

...For the petitioner.

Md. T.M. Siddiqui,
Mr. S. Chakraborty.

...For the State.

Mr. Gazi Faruque Hossain,
Mr. Chandra Paul.

...For the respondent nos.7 to 11.

The writ petitioner claims that the private respondents are obstructing construction activity over his land and his building that was damaged during the Amphan Cyclone.

Counsel for the State submits that the petitioner had filed a suit being Title Suit No. 133 of 2017 pending before the Civil Judge (Junior Division) Kakdwip, South 24 Parganas, who had passed an order of injunction against the private respondents and directed the parties to maintain status quo as regards the nature and character of the suit property.

It is submitted by the State as well as the private respondents that the petitioner, under the guise of the repairs, is effecting new construction.

This appears to be a violation of the status quo order passed by the Civil Judge (Junior Division) Kakdwip, South 24 Parganas.

This Court is of the view that the prayers of the writ petition are illegal apart from being an abuse of process of law.

In view of the aforesaid, the instant writ petition must fail and is hereby dismissed with costs assessed at Rs.5,100/- (Rupees five thousand one hundred only) payable by the petitioner to the Gobardhanpur Coastal Police Station, Sundarban Police District.

The instructions of Officer-in-charge, Gobardhanpur Coastal Police Station, Sundarban Police District dated 21st April, 2022 addressed to the Government Pleader, High Court, Calcutta be taken on record.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)