

15.06.2022
Sl. No.43
srm

W.P.A. No. 7135 of 2022

Sikharani Das

Versus

The State of West Bengal & Ors.

Mr. Soumen Kumar Dutta

...for the Petitioner.

Mr. Subhabrata Datta,
Mr. Banibrata Dutta

...for the State-respondents.

Mr. Samik Ganguli

...for the Respondent Nos.6 & 9.

The writ petition has been filed for multiple reliefs: (a) the police authorities must act in terms of the order of the learned Sub-Divisional Executive Magistrate, Contai Court, (b) an order of injunction restraining the respondent Nos.6 to 9 from interfering with the petitioner's construction of a building on Plot No.2157 under Mouza-Henria Atmaramchak.

A police report has been filed before this Court today. It appears that the order of the learned Sub-Divisional Executive Magistrate dated March 25, 2022 was complied with. Assistant Sub-Inspector Sk Mafuddin of Henria Investigation Centre under Khejuri Police Station enquired into the matter. Notices were served upon the parties and the parties were directed to maintain peace and tranquillity. A report was also filed before the learned Executive Magistrate. The police report is taken on record.

In any event, due to lapse of time, the order of the Magistrate has lost its force.

With regard to the other prayer for police protection in order to continue with the construction, this Court is of the view that a title suit is pending between the husband of the petitioner and the respondent No.6. Initially, an ad interim order of injunction was passed restraining the defendants in the said suit (which includes the husband of the petitioner) to maintain *status quo* with regard to the nature and character of the 'Ka' schedule property.

Subsequently, the order of ad interim injunction was made absolute by an order dated April 27, 2016 directing both the parties, that is the plaintiff and the defendants including the husband of the petitioner, to maintain *status quo* with regard to the nature and character of the suit property till the disposal of the suit. Plot No.2157, which is the subject-matter of dispute in this proceeding, is within the schedule of suit properties.

Under such circumstances, though, according to Mr. Dutta, learned Advocate appearing for the petitioner, the order of the learned Civil Court is incorrect, this Court cannot pass necessary directions for grant of police protection to the petitioner to continue the construction of the building in view of the order of injunction. The proper course would have been to

challenge the order of injunction which was passed, way back on April 27, 2016.

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.)