

14.07.2022
Court No. 19
Item no.421
CP

W.P.A. No. 7271 of 2022

Smt. Asounia Sarkar & ors.

Vs.

The State of West Bengal & ors.

Mr. Arnab Roy

Mr. Satyam Mukherjee

...for the petitioners.

Mr. Asish Kumar Guha

Mr. Naren Ghosh Dastidar

.....for the State.

Mr. Sudeep Sanyal

Mr. Sukanta Das

.....for the respondent no. 4.

Considered the order dated December 22, 2020, passed in Title Suit No. 897 of 2019.

The learned Civil Judge (Junior Division), 1st Court, Alipore having prima facie, found the petitioners to be in possession of the Premises No. 19/1B/1, East Topsia Road had directed the parties to maintain status quo with regard to the nature, character and possession over the said premises. The other premises were left out of the purview of the said order of injunction. The order was a contested order and the respondent no. 4 contested the proceeding by filing his written objection.

Another ad interim order of injunction had been passed in Title Suit No. 362 of 2019 and the

parties were directed to maintain status quo with regard to the Premises No. 19, East Topsia Road. In the order dated December 22, 2020 the factum of pendency of the Title Suit No. 362 of 2019 and the order of status quo dated April 4, 2019, were noticed by the learned court below. Even thereafter, the order of status quo was passed in Title Suit No. 879 of 2019.

Under such circumstances, the police authorities are directed to implement both the orders of status quo and ensure that no breach of peace takes place.

The petitioners shall however file appropriate applications before the learned court below alleging the violation. If such application is filed and prayer for police help is also made, the said applications shall be considered upon contest, independently by the learned civil court.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)