

S/L 53
15.06.2022
Court. No. 19
GB

WPA 7506 of 2022

Sheuli Bibi & Anr.
VS
The State of West Bengal & Ors.

*Mr. Sayantan Basu,
Mr. Debdutta Raha,
Ms. Tonoya Ghose.*

...for the Petitioners.

*Mr. Raja Saha,
Mr. Biswabrata Basu Mallick.*

...for the State.

*Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.*

...for the Respondent Nos.5 to 9.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioners allege that the police authorities of Murshidabad Police Station have failed and neglected to take steps despite several complaints having been lodged about the alleged illegal activities of the respondent nos.5 to 9. It is the specific case of the petitioners that the petitioners and the respondent nos.5 to 9 are co-sharers of Plot No.584, situated at Mouza-Tetulia. A partition suit is pending between the parties, being Partition Suit No.91 of 2000 before the learned Civil Judge (Senior Division) at Lalbagh. Parties were directed to maintain *status quo* by an order dated January 9, 1997, till the disposal of the suit.

It is alleged that the respondent nos.5 to 9 have started encroaching into the vacant portion situated adjacent to a *Masjid* and constructions have been made on the joint property. The petitioners have been obstructed from offering their prayers. Complaints were lodged before the

Murshidabad Police Station. A General Diary was registered. It is alleged that thereafter, the police authorities have failed and neglected to take steps against such illegal activities of the respondent nos.5 to 9.

Mr. Saha, learned advocate appearing on behalf of the police authorities submits that there is long pending civil dispute between the parties. A partition suit is also pending between the parties and as such, the police authorities do not have any role to play in the matter.

Mr. Sanyal, learned advocate appearing on behalf of the respondent nos.5 to 9 submits that no construction works are going on, only a portion of the property enjoyed by the respondent nos.5 to 9, is being repaired.

This Court is of the view that the order of *status quo*, which has been passed by the learned civil court, must be obeyed by the parties. The allegation of the petitioners with regard to violation of the order of *status quo* shall be decided by the learned civil court. The petitioners will be at liberty to approach the civil court for necessary orders within three weeks. Till any order is passed by the learned civil court, the police authorities will ensure that the order of *status quo* is not violated and the parties maintain peace and tranquillity in the area. This order is subject to any order that shall be passed by the learned civil court.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)