

07.06.2022
Sl. No.17
srm

W.P.A. No. 9235 of 2021

Sk. Rijabul Ali & Anr.

Versus

The State of West Bengal & Ors.

Mr. Kalyan Chakraborty,
Mr. Kashinath Bhattacharya,
Mr. Ashok Halder

...for the Petitioners.

Mr. Rwitendra Banerjee,
Mr. Shibasis Chatterjee,
Mr. Devdutta Pathak

...for the Respondent Nos.9 to 11.

The petitioners and the respondent Nos.9 to 11 are co-sharers of land including some structures situated at LR Dag No.1522 of Mouza-Hirapur, Police Station-Khanakul, District-Hooghly.

A partition suit is pending between the parties, being Title Suit No.31 of 2021 before the learned Civil Judge (Senior Division), Arambagh.

It is submitted that an order of *status quo* was granted but the respondent Nos.9 to 11 had violated the order of *status quo* and started an unauthorised construction.

The petitioners filed a complaint before the concerned police station. It is alleged that despite such complaint, no

steps had been taken by the police authorities. Hence, the writ petition has been filed.

The petitioners pray that the police authorities may be directed to take steps against such unauthorised construction.

Mr. Banerjee, learned Advocate appearing on behalf of the respondent Nos.9 to 11, submits that the order of *status quo* had not been violated. That no construction was going on. He submits that the prayer of the petitioners for a direction upon the police authorities to demolish the structures cannot be granted by the Court.

Heard the learned Advocates for the respective parties. As it is the specific case of the respondent Nos.9 to 11 that no construction has been going on pursuant to the order of the learned Civil Judge (Junior Division), Arambagh, the remedy of the petitioner for further directions upon the police authorities to implement the order of *status quo* would be before the learned Civil Court. The petitioners will be at liberty to file an appropriate application under Section 151 of the Code of Civil Procedure for such implementation of the order of *status quo*. The learned Court below shall dispose of the said application expeditiously, but strictly in accordance with law upon assessing the correctness of the allegations.

It is made clear that the order of *status quo* must not be violated by any of the parties.

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.)