

18.7.2022
Court No. 19
Item no.435
sn

WPA No.7849 of 2022

Pranab Kumar Giri
Vs.
The State of West Bengal & ors.

Mr. Gautam Guriafor the petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra ..for the State

Despite service, none appears on behalf of the respondent nos. 7&8. Let the affidavit-of-service be taken on record.

Perused the police report.

It appears that upon receipt of the complaint from the petitioner, an enquiry was made. On the apprehension of breach of peace, prosecution under Section 107 was submitted against the respondent nos. 7&8.

The petitioner relies on an order by which the learned Civil Judge(Senior Division) Haldia had directed the parties to maintain status quo with regard to nature, character and possession of 'kha' schedule property. Such order was passed on contest. The application under Order 39 Rule 1&2 of the Code of Civil Procedure filed by the petitioner was allowed. The petitioner alleges violation of such order.

It is submitted by the petitioner that the said order has neither been varied nor vacated nor set aside by any court.

Under such circumstances, the police authorities are directed to ensure that the order of status quo with regard to the nature, character and possession over the 'kha' schedule property is maintained. The parties to the suit should not violate such order, if the same is still subsisting.

In the meantime, the petitioner shall file an appropriate application before the learned Court below for further orders with regard to the alleged violation and for necessary police help. Such application shall be disposed of in accordance with law, upon contest by the learned Civil Court, without being influenced by this order.

This writ petition is disposed of.

There will be, however, 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.)