

02.12.2022.
Court No.13
Item No. 44
pk

**WPA 10696 of 2021
CAN 1 of 2022**

**Khristodan Neye
Versus
State of West Bengal & Ors.**

Mr. Atarup Banerjee,
Mr. Bapin Baidya

...For the petitioner.

Mr. N. Ghosh Dastidar,
Mr. Bipin Ghosh

... for the State.

Mr. Sandip Das

... for the private respondents.

In Re: CAN 1 of 2022 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 22.08.2022.

The said order is recalled and the writ petition is restored to its original file and number.

Accordingly, CAN 1 of 2022 is disposed of.

There will be, however, no order as to costs.

In Re: W.P.A No. 10696 of 2021

Since a Co-ordinate Bench has directed on 12.07.2021 the respondents to use affidavit-in-opposition, the same is taken on record.

Admittedly, there is an order of status quo passed by the learned Civil Judge (Junior Division), Kakdwip on 25.03.2019 in T. S. No. 93 of 2019.

Counsel for the private respondents submits that they have applied for vacating the order of status quo in the court below.

This Court does not wish to enter into the merits of the suit or the defence of the private respondents thereat.

Since the private respondents have applied for vacating the interim order, this Courts directs the learned Civil Judge (Junior Division), Kakdwip to dispose of the application under Order 39 Rule and 1 and 2 of the Code of Civil Procedure along with the respondents' application for vacating the interim order within 45 days from the date of communication of a copy of this order. No unnecessary adjournment shall be allowed to any of the parties.

Till such time the order of status quo passed by the learned Civil Judge (Junior Division), Kakdwip shall be strictly implemented by the parties and enforced by the Patharpratima Police Station.

The I. C., Patharpratima Police Station shall maintain regular vigil over the property and abide by any further orders that may be passed by the civil court against the petitioner and/or the private respondents.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)