

24.06.2022
Court No. 19
Item no.32
CP

WPA No. 10223 of 2022

Madan Halder
Vs.
The State of West Bengal & ors.

Mr. Mukteswar Maity
....for the petitioner.

Mr. Pradip Kumar Mondal
....for the respondent no. 4.

Mr. Wasim Ahmed
Sk. Md. Masud
...for the State.

The petitioner alleges overt act by the respondent no. 3. According to the petitioner, the police authorities are interfering with the petitioner's enjoyment of part of Plot No. 394. The petitioner submits that he is the owner of four decimals of land in L.R. Plot No. 394 within the Mouza – Andinagar, pertaining to Khatian No. 151.

The respondent no. 4 also claims to be a co-sharer in respect of another four decimals of land pertaining to Khatian nos. 582 and 583.

Mr. Ahmed, learned advocate for the State, submits that the police authorities have no inclination to disturb either of the parties. However, according to him, as there is a subsisting order of a civil court with regard to the portion of the property

owned and enjoyed by the respondent no. 4, the parties must maintain status quo.

Under such circumstances, this writ petition is disposed of with a direction upon the police authorities to ensure that neither of the parties violate the order of status quo. No unnecessary harassment should be caused to the petitioner if the petitioner restricts his usage to his portion of the plot pertaining to Khatian No. 151 of Mouza – Andinagar.

The question of right, title and interest of the parties in respect of the said plot, is not gone into and this order shall not be construed as an injunction upon any authority from proceeding against the parties, in accordance with law.

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.)