

02.12.2022
Court No.13
Item No.505
sp

WPA 11760 of 2021

Malati Maity & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rabiul Islam,
Mr. Jayed Hossain

...for the petitioners

Mr. Mrinal Kanti Mukherjee
...for the private respondent nos. 5 to 19

The petitioners have approached this Court on many earlier occasions, seeking enforcement an order of status quo passed by the learned Civil Judge (Jr. Division), Kakdwip, South 24 Parganas in T.S. Nos. 293 of 2015 and 294 of 2015.

This Court notes that the private respondents continue to violate the order of status quo from time to time. Indeed, one bench of this Court has recorded in WPA 6338 of 2020 on October 147, 2020 that the remedy of the petitioner is under Order 39, Rule 2(a) of the CPC.

Given the long pendency of the instant suits in the Court below and the subsistence of the order of status quo not being clear, this Court directs the parties to approach the Court below seeking remedy under Order 39, Rule 2(a).

Apart from the above, the Civil Judge (Jr. Division), Kakdwip, South 24 Parganas, shall dispose of the said suits mandatorily and positively, within a period of four months from the date of communication

of a copy of this order. No adjournment whatsoever shall be given to any of the parties.

The parties may file written statement in the said suits within a period of two weeks from date. All applications in the suit shall be disposed of within a period of one month from date.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)