

19.07.2022
Court No. 19
Item no.07
CP

W.P.A. No. 11538 of 2022

Sri Shyamal Kumar Pal

Vs.

The Hon'ble Commissioner of Police, Chandannagar
Police Commissionerate & ors.

Mr. Gunjan Shah

Ms. Rituparna Bhadra

....for the petitioner.

Mr. Subhabrata Dutta

Mr. Banibrata Datta

...for the State.

Mr. Sreekumar Chakraborty

...for the respondent no. 6.

It appears that a long standing civil dispute exists between the petitioner and the respondent no. 6. Initially Title Suit No. 382 of 1979 was filed before the learned Civil Judge (Junior Division), 2nd Court, Serampore, District – Hooghly. Thereafter, in the year 2012, the said suit was transferred to the court of the learned Civil Judge (Junior Division), 3rd Court, Serampore and the suit was registered as Title Suit No. 1 of 2012. The learned civil court had passed an order directing both the parties to maintain status quo in respect of the suit property, till the disposal of the suit.

The allegation is that the respondent no. 6 had broken a portion of the boundary wall and had tried to commit trespass on the property.

The police authorities enquired into the matter and prosecution under Section 107 and 116(3) of the Cr.P.C. was submitted against the respondent no. 6.

Learned advocate for the respondent no. 6 submits that a civil revisional application is pending before the High Court and this court should not entertain the writ petition.

According to the learned advocate for the petitioner, the revisional application arises out of an order which does not have any connection with the allegation of violation of the order of status quo.

In any event, if the order of status quo is still subsisting and has neither been vacated nor set aside by any court of law, the police authorities shall ensure that both the parties comply with the order of status quo.

The police authorities shall further ensure that the parties do not commit any breach of peace.

The police report is taken on record.

This order shall not be construed as a declaration of the correctness of the allegations of the petitioner.

It is submitted by the petitioner that an application under Order 39 Rule 2A of the Code of

Code of Civil Procedure has already been filed before the learned court below. Such application shall be heard in accordance with law, without being influenced by this order.

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.)