

3.8.2022
Sl.No.34
sn

W.P.A. 12214 of 2022

Lakshmi Sahoo

Versus

The State of West Bengal & Ors.

Mr. Monoranjan Saha

Mr. Radhasyam Maity

Ms. Mitali Jana

... for the petitioner

Mr. Susanta Pal

Mr. Prabir Kumar Roy ..for the State

Mr. Lal Ratan Mondal ..for the respdt.7&8

The petitioner alleges that the Officer-In-Charge, Pathar Pratima Police Station has failed and neglected to implement the order of the learned Civil Court. It is alleged that the parties were directed to maintain status quo with regard to the property in question.

Mr. Mondal, learned advocate appearing on behalf of the respondent nos. 7&8 submits that although the suit has been filed, no order of status quo had ever been passed. He further submits that both the parties have constructed their residential units on respective portions of the suit property as per their nature of occupation. There had been no partition by metes and bounds. The police authorities have filed a report, from which it appears that a partition suit is pending.

Pursuant to a direction of the learned Sub Divisional Magistrate, Kakdwip in a proceeding under Section 144(2) of the Code of Criminal Procedure, an enquiry was made and the respondent nos. 7&8 were directed not to continue their renovation work. Accordingly, the renovation work had been stopped.

This writ petition is disposed of without any orders.

In the event, the petitioner can furnish a subsisting order of status quo/injunction passed in the Title Suit No. 180 of 2021 by the competent Court of law before police authorities, the police authorities shall implement such order in accordance with law.

If there is no subsisting order, the police authorities shall not be required to take further steps except maintaining peace and tranquility.

This writ petition is disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)