

S/L 1
30.08.2022
Court. No. 19
GB

WPA 11184 of 2015

Sk. Liakat Ali
VS
The Inspector-in-Charge,
Basirhat Police Station & Ors.

*Mr. Benazir Shaikh,
Mr. Ibrahim Shaikh.*

...for the Petitioner.

The writ petition is disposed of with liberty to the petitioner to approach the learned Civil Judge (Junior Division), 1st Court at Basirhat, before which Title Suit No.73 of 2011 is pending. The allegation of violation of the order of status quo with regard to construction, nature and character of the suit property till, the disposal of the suit, must be raised before the court below. Status quo was also passed to prevent damage to the suit property as described in the application for temporary injunction and in the plaint. Such order was passed in Misc. Appeal No.25 of 2011, dated March 31, 2015.

It is the contention of the petitioner that the order of status quo passed in the misc. appeal has been violated by the respondent nos.4 to 6.

It does not appear from the records that although, the allegation was made in 2015 by filing this writ petition, the petitioner had ever approached the learned court below with the allegation of violation of the order of status quo.

Under such circumstances and with the passage of time, it is not possible for the writ Court to determine the correct facts. Moreover, the allegation of violation of the

order of status quo has to be proved by evidence. However, the police authorities shall maintain peace and take necessary steps, if any intimation is received in future about violation of the order of the civil court.

This order shall not be construed as an acceptance of the allegations of violation of the order passed in the misc. appeal. Such issue has to be decided by the learned court below.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)