

25.08.2022
Court No. 19
Item 192 (ML)
CP

WPA No. 15278 of 2022

Abdul Majed Sardar & ors.
Vs.
The State of West Bengal & ors.

Mr. S.A. Moqued
Mr. Numan Shah

....for the petitioner.

Mr. T. M. Siddiqui
Mr. R. Das

....for the State.

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous
Ms. T. Mazumdar

....for the respondent nos. 9, 10 & 11.

Apart from implementing the order of status quo passed in the Title Suit and maintaining peace and tranquility, the police authorities do not have any further obligation.

It appears that a civil suit was filed by the writ petitioners against the respondent nos. 9, 10 and 11 before the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas being Title Suit No. 14 of 2019. By an order dated March 24, 2022, the application for injunction was disposed of directing the parties to maintain status quo with regard to the nature, character, transfer and possession of the suit property.

The learned trial court, upon perusal of the land records and the record of rights found that both the parties were in possession of the suit property. In order to preserve the suit property, the learned court below directed status quo should be maintained.

Now, the petitioners have come up with the plea that the police be directed to facilitate the cultivation on the land possessed by the petitioners.

Learned advocate for the respondent nos. 9, 10 and 11 submits that the said respondents had never objected to the cultivation of the petitioners on the land, in their exclusive possession. That on a particular day, over the issue of cultivation an altercation took place and the police authorities prevented both the parties from cultivating, in order to implement the order of status quo and to maintain peace.

Under such circumstances, the police authorities are directed to implement the order of status quo in its letter and spirit. Both parties were found to be in possession, by the civil court. If there is a dispute with regard to the cultivation in the respective areas possessed by the respective parties, the petitioners are at liberty to obtain a clarification of the order of status quo from the learned civil court. The petitioner's right to cultivate, cannot be adjudicated by this court.

The submissions of the learned advocate for the respondent nos. 9, 10 and 11 that they do not have any objection if the petitioners cultivate in their portion of land and allow the respondent nos. 9, 10 and 11 to cultivate in their own portion, is taken note of.

It is not for the police authorities to demarcate the lands and facilitate the cultivation on behalf of either party. The police authorities shall maintain peace.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)