

21.06.2022
Court No. 19
Item no.99
CP

W.P.A. No. 16634 of 2021

Raghunath Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Himadri Kumar Mahato
....for the petitioner.

Mr. Rama Prasad Sarkar
....for the State.

The petitioner has alleged that the respondent nos. 6 to 8 have violated the order of status quo passed in Title Suit No. 323 of 2017, By order dated October 31, 2017, the learned Civil Judge (Junior Division), Additional Court, Hooghly had directed the parties to maintain status quo and also restrained the parties from alienating the suit property in favour of any third party, till the disposal of the suit.

The learned civil court found that both the parties were claiming rival title to the suit property on the basis of two deeds of gift executed in favour of either party, by one late Bhanjan Chandra Ghosh. The court was of the view that the validity of the deeds could be ascertained only in the trial and, as such, the parties were directed to maintain status quo and further restrained from alienating the property to any third party.

The petitioner alleges that the order was violated by the respondent nos. 6 to 8.

It appears that a complaint was also lodged by the petitioner before the Officer-in-charge, Dhaniakhali Police Station alleging that the deed of gift produced by the respondent no. 6 was a forged one. The civil court is already in seisin of the matter. Thus the validity of the deed of gift shall be decided in the civil suit.

However, the police authorities are bound to ensure that the order of status quo is maintained by both the parties.

Any other relief which is available to the petitioner in the suit is kept open.

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.)