

S/L 445(ML)
22.08.2022
Court. No. 19
GB

WPA 17436 of 2021

Rafiful Islam Mahalder
VS
The State of West Bengal & Ors.

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

...for the Petitioner.

*Mr. Santanu Kumar Mitra,
Mr. Ram chandra Guchhait,
Mr. Sougata Mitra.*

...for the State.

*Mr. Kamal Jahiruzzaman,
Md. A.R. Jaglal Kabir.*

...for the Respondent No.8.

Affidavit-of-service, filed in Court today, be kept with the record.

Both parties allege that there has been a violation of the order of status quo with regard to the nature, character and possession of the suit property, passed by the learned Civil Judge (Senior Division), Berhampore in Title Suit No.389 of 2016. Strangely, neither party has approached the civil court with such allegation, but the parties are quarrelling amongst themselves.

The writ Court cannot decide which party has committed the violation of the order of injunction, as it is a matter of evidence. Leaving the parties to avail of their respective remedies before the learned civil court, this writ petition is disposed of with a direction upon the Officer-in-Charge, Nowda Police Station to keep a vigil, maintain peace and also ensure that the order of ad interim injunction with regard to the nature, character and possession of the suit

property is implemented, in case the said order is still subsisting.

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.)