

S/L 5
25.08.2022
Court. No. 19
GB

WPA 17614 of 2022
With
CAN 1 of 2022

M/s. Ritman Infra Limited
VS
The State of West Bengal & Ors.

Mr. Sanjoy Bose,
Mr. Priyankar Basu Mallick.

...for the Petitioner.

Mr. Amal Sen,
Mr. Benazir Ahmed.

...for the State.

Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
Mr. Bimalendu Das.

...for the Intervenor.

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

The petitioner alleges that the Officer-in-Charge, Anandapur Police Station, Kolkata has been harassing the petitioner and disturbing the petitioner in the use and enjoyment of Premises No.736, Madurdaha, Kolkata. It is the specific contention of the petitioner that the petitioner has been in possession of the said property since 2014. Photocopy of an agreement for sale has been annexed in support of such contention. The petitioner also relies on a letter of possession granted by the erstwhile owner in favour of the petitioner, in order to substantiate its claim to the property.

Learned advocate for the intervenors, who has filed an application for addition of party, submits that the petitioner has failed to annex any deed of sale to indicate that the

petitioner had acquired right, title and interest over the property in question. It is specifically submitted that the agreement for sale, which has been relied upon, cannot create any title in favour of the petitioner.

Learned advocate for the applicants/intervenor, are representing 12 companies out of 18 companies, who had allegedly purchased the property from the erstwhile owner. It is submitted that a Title Suit is pending. Reliance has been placed on the plaint of Title Suit No.818 of 2018 filed by the said applicants/intervenor, before the learned Civil Judge (Senior Division), 4th Court at Alipore. It appears that the property in respect of which the petitioner is claiming right, title and interest, is the subject matter of the suit. Reliance has also been placed on the order passed by this Court in C.O. 1037 of 2022 dated April 27, 2022 and July 1, 2022, indicating that the parties to the suit were directed to maintain status quo with regard to the nature, character and possession of the suit property.

Mr. Sen, learned advocate appears on behalf of the police authorities and submits a report, from which it appears that the police authorities got information of violation of the order of status quo passed by this Court. They visited the spot and found that some temporary bamboo structures were being erected. In order to implement the order of status quo, the police authorities prevented the petitioner from making any temporary construction. Apart from such attempt of the police authorities to implement the

order of status quo, no further disturbance was caused to the petitioner.

Under such circumstances, the writ petition is disposed of with a direction that only if the police authorities have reason to believe or have information that the order of status quo passed by this Court was being violated, the police authorities may take steps in accordance with law. Implementation of the order of status quo is the duty of the police. However, no disturbance shall be created by the police. The police authorities shall only act in accordance with law. The right, title, interest and possession of the parties in respect of the property in question, have not been gone into and all these issues shall be decided in the pending civil suit.

The petitioner is at liberty to approach the appropriate civil court for his reliefs, as permitted by law.

Accordingly, the writ petition is disposed of.

In view of the disposal of the writ petition, CAN 1 of 2022 is also 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.)