

S/L 479 (ML)
23.08.2022
Court. No. 19
GB

WPA 19673 of 2021

Ashoke Roy & Anr.
VS
The State of West Bengal & Ors.

Mr. Joy Chakraborty.

...for the Petitioners.

*Mr. Amal Kumar Sen,
Mr. Jaladhi Das.*

...for the State.

Mr. Pinaki Ranjan Mitra.

...for the Respondent No.6.

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

The petitioners allege inaction of the Officer-in-Charge, Nischinda Police Station. It is the specific contention of the petitioner that in violation of the order of status quo passed by the learned Additional District Judge, Howrah in Misc. Appeal No.93 of 2021, dated September 23, 2021, the respondent no.6 has continued with the construction work. The petitioner refers to the order, by which both the parties to the misc. appeal and the suit were directed to maintain status quo with regard to the nature and character of the suit property. It is submitted that the order of status quo is still subsisting. Alleging attempts of violation of the order of status quo, the petitioners filed an application under Section 151 of the Code of Criminal Procedure for implementation of the order passed in the misc. appeal with the help of the police. By an order dated November 17, 2021, the Officer-in-Charge, Nischinda Police Station was directed to ensure that the ad interim injunction passed on September 23, 2021 was not flouted by any of the parties.

Mr. Mitra, learned advocate appearing on behalf of the respondent no.6 submits that after the order passed in the misc. appeal, his clients have not violated the order of status quo. It is his specific case that no construction has been going on at present.

Mr. Sen, learned advocate appearing on behalf of the State respondents has filed a detailed report. It appears that whenever information was received from the writ petitioners against the respondent no.6 with regard to the construction work and violation of the order of injunction, such complaint was diarised and the police authorities visited the spot. On three such occasions, the situation was controlled and the massons and other workers were also arrested. It appears that prosecution was also submitted against those persons.

Under such circumstances, nothing further remains to be decided in the writ petition.

Accordingly, the writ petition is disposed of with a direction upon the Officer-in-Charge, Nischinda Police Station to keep a vigil and ensure that the order of ad interim injunction is implemented in its letter and sprit and none of the parties violate the same. This direction will continue till the ad interim order of injunction subsists.

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.)