

S/L 5
30.08.2022
Court. No. 19
GB

WPA 19777 of 2021

Rabin Dutta & Ors.
VS
The State of West Bengal & Ors.

*Mr. Sajal Kanti Bhattacharyya,
Mr. Sarthak Burman.*

...for the Petitioners.

*Mr. Amal Kr. Sen,
Mr. Sanatan Panja.*

...for the State.

*Mr. Rabi Lal Maitra,
Mr. Rajit Lal Maitra.*

...for the Respondent Nos.4 & 5.

The petitioners allege that the respondent nos.4 and 5 have violated the order of status quo passed by the learned Civil Judge (Junior Division), 1st Court at Chandannagore, Hooghly, dated April 16, 2021. The petitioners submit that such order of status quo was extended from time to time. Alleging violation, an application for police help was filed. The learned court below by an order dated June 28, 2021, directed the Inspector-in-Charge, Chandannagore Police Station to look into the matter and take necessary steps so that, the order of the learned court below dated April 16, 2021, may not be violated by any of the parties. The court had also directed the police authorities to file a report.

Mr. Maitra, learned advocate appears on behalf of the respondent nos.4 and 5 and denies the allegation. He submits that the said respondents are the owners and in possession of LR Dag No.41 of Mouza-Chandannagore. The said plot is adjacent to the suit plot. Mr. Maitra also submits that in order to cover up the illegal activities, which were

being done by the petitioners and the registration of FIRs against them, the writ petition has been filed against the police.

Mr. Sen, learned advocate appearing for the Inspector-in-Charge, Chandannagore Police Station files a report. It appears that on receipt of the complaint of the petitioners, an enquiry was made and persons in the locality were interrogated. The police was informed that there was no construction project on the suit plot. One Mr. Sudhir De, the respondent no.5 also gave a written declaration to the police authorities that construction had been stopped. The entire issue was diarised vide Chandannagore Police Station GDE No.699 dated July 13, 2021.

The report which the police authorities had filed before the learned court below is not before the court. Whether the learned court below had passed further orders, is not before the Court. The petitioner has also not approached the learned civil court with the allegation of violation of the order of ad interim injunction. The police report indicates that steps were taken and alleged construction has been stopped.

Under such circumstances, the writ petition is disposed of with a direction upon the police authorities to maintain peace and ensure that none of the parties violates the ad interim order of status quo in respect of the suit plot being schedule-A of the plaint, upon verifying that the said order still subsists.

The police report is taken on record. The other investigations against the petitioners, shall proceed independently.

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.)