

29.8.2022
Sl.No.542
sn

WPA 21160 of 2021

**Jamer Sk. & Anr.
Vs.
The State of West Bengal & Ors.**

**Mr. Mohaimenul Mondal
..for the petitioner
Ms. Shabana Hasin
Mr. Mobaidur Hossain
..for the respdts.5,6&9**

The petitioners allege that the respondent nos. 8 and 9 have violated the order of status quo passed by the learned Civil Judge, Senior Division, Berhampore, Murshidabad in Title Suit no. 179 of 2015. The said order of status quo with regard to the nature, character and possession of the suit property till the disposal of the suit, was passed on June 4, 2018. The application for injunction was disposed of accordingly. The petitioners, without filing any application before the learned Civil Court under Order 39 Rule 2A of the Code of Civil Procedure and without praying for police help for implementation of the order of status quo, has moved this Court on the alleged ground of violation of the order of status quo. They pray that the police authorities be directed to implement the order of status quo and assist them, so that they may cultivate on their land.

Learned advocate for the respondent nos. 5,6&9 oppose such prayer.

Attention is drawn to paragraph 10 of the writ petition, in which the petitioners have alleged that they had been dispossessed.

Unfortunately, the order dated June 4, 2018 does not indicate who was found to be possession of the land in question, when the order was passed. Both the parties claim to be in possession.

Under such circumstances, the police authorities cannot be directed to come to the assistance of the petitioners and protect the possession of the petitioners. Such direction will be in the nature of adjudication of a title dispute.

The police authorities shall maintain peace and see that the order of status quo is not violated by either of the parties.

For other reliefs, the petitioners are at liberty to approach the learned Civil Court, for proper remedies.

This order shall not be construed as an observation of the Court with regard to the allegations made by the petitioners against the respondent nos. 5 to 9 and at the same time this order shall also not be construed as an observation of the Court with regard to the alleged possession of the respondent nos. 8&9.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)