

19.12.2022
Sl.No.16
Ct.19
sn

WPA 27460 of 2022

**Sk. Sallam @ Sk. Abdul Sallam
Vs.
The State of West Bengal & Ors.**

**Mr. Ramij Munsif
..for the petitioner**

**Ms. Chama Mukherjee
Mr. Gourav Das
..for the State**

**Mr.S. Bhattacharyya
Mr. Soumik Gangulu
..for the respdts.7&8**

The petitioner alleges that the respondent nos. 7&8 started raising a construction on LR Dag No. 1952 of mouza Kamalpur, without any permission from Siya Kamalpur Gram Panchayat. He submits that the lands have not been converted from Suna to Bastu. The petitioner also alleges that a partition suit is pending before the learned Civil Judge, (Senior Division), 1st Court, Chinsurah, being Title Suit No. 118 of 2020.

By referring to the order of injunction passed by the learned civil court dated July 24, 2020, the learned advocate for the petitioner submits that the construction was in violation of the order of status quo passed in respect of the property in question.

The learned advocate for the respondent nos. 7&8 has handed over some documents which indicate that the plan had been sanctioned by the Siya

Kamalpur Gram Panchayat on July 8, 2020. Learned advocate for the said respondents submits that the conversion was permitted by the appropriate authority. A copy of the order of conversion was also submitted before the permission granting authority.

The police authorities have filed a report. It appears that apprehending breach of peace, Prosecution under Sections 107/116(c) of the Code of Criminal Procedure against the parties have been submitted before the appropriate Court.

Under such circumstances, nothing remains to be decided in the writ petition. Admittedly, the respondents cannot construct during the subsistence of the order of status quo. The petitioner has already approached the learned civil court for necessary orders for implementation of the order of status quo. Such application shall be decided in accordance with law. The respondents have already approached the learned civil court for modification of the order of status quo, which is pending. The said application shall also be decided in accordance with law.

This Court has not gone into the merits of the claims and counterclaims of the parties.

The police report filed in Court today be taken on record.

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.)