

10.05.2023
Court No.13
Item No.16
AP

WPA 10635 of 2023

**Badsha Saikh
Vs.
The State of West Bengal and Ors.**

Mr. Sudarshan Ghosh

... For the Petitioner.

Mr. Manas Kumar Das

... For the Respondent Nos.4 & 5.

1. The petitioner complains that the private respondents violating the order dated 23rd March, 2023 passed by the learned Civil Judge (Junior Division), Kandi in T.S. No.241 of 2022.

2. The private respondents submit that they were cultivating even before the status quo order was passed as well as there is no violation of the Court's order.

3. In the above circumstances this Court is of the view that the petitioner may apply before the Court below inter alia under Order 39 Rule 2(a) of the CPC complaining of violation of the order of status quo.

4. The Court below shall deal with the said application in accordance with law and dispose of the same as expeditiously as possible preferably within a month from date.

5. Bharatpur PS shall, however, ensure that there is absolutely no breach of peace in the area.

6. With the aforesaid observations, the writ petition shall stand disposed of.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)