

W.P.A. 13832 of 2023

Abinsh Chandra Halder & Ors.
-versus
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharyya.
...For the Petitioners.

Mr. Mrinal Kanti Ghosh.
... for the private respondents

Mr. Amal Kumar Sen, Id. A.G.P.,
Mr. Lal Mohan Barui.
... for the State

This is an application under Article 226 of the Constitution of India and praying for direction upon the respondent authorities, particularly the respondent nos. 5, 6 and 7 to take necessary steps for provide police posting for restraining the private respondents from creating any obstruction at the time of cultivation of petitioner's landed property at Kultali Police Station, Mouza Radhaballavpur.

Affidavit-of-service filed in Court today is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner has been cultivating the crops in the land in question since last thirty to forty years. This would be evident from the report dated 16th January, 2023 submitted by the Inspector-in-Charge of Kultali P.S. before the learned Civil Judge (Senior Division), 1st Court, Baruipur in Title Suit No. 255 of 2020. This is suit for declaration that is pending. There was an order of statusquo passed in the said suit in favour of the present petitioner. In spite of that the private respondents are violating the said order and creating disturbances.

Learned counsel appearing on behalf of the private respondents submits as follows. The allegations made by the petitioners are denied. According to him, the police report clearly stated that none of the parties were violating the order of statusquo.

Learned counsel appearing on behalf of the State submits that this is a civil dispute regarding landed property relating to co-sharers. There is hardly any scope for interference by this Court in a writ for an order of statusquo is already there.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the writ petition.

It appears that the title suit in question is still pending and the order of statusquo is also subsisting.

No further interference in this regard can be made by this Court.

However, the police shall keep vigil at the place so that no untoward incident takes place and that the Civil Court's order is not violated.

With these observations, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)