

30.01.2023
Court No.13
Item No.512
AP

WPA 15946 of 2021

**Nilesh Chandra Majumder
Vs.
The State of West Bengal and Ors.**

Mr. Nikhil Kumar Gupta
Ms. Krishna Deo Das

... For the Petitioner.

Mr. Supratim Dhar
Mr. Tanweer J. Mondal
Ms. Somashree Dey
Mr. Abhishek Kabir

... For the Private Respondent Nos.5 to 9.

The petitioner complains that the private respondents, in violation of order of status quo passed by the learned Civil Judge (Junior Division), 6th Court, Alipore in Misc. Case have transferred the property to a third party.

Admittedly, the petitioner has filed applications for preemption under the provisions of the West Bengal Land Reforms Act, 1955. The private respondents have filed applications for dismissal of the case for non-compliance of the mandatory directions of the Statute.

In so far as the order of status quo is concerned, the petitioner shall apply before the Court below under Section 151 of the CPC for police help to enforce any order subsisting. In the meantime, however, Ghatakpukur B. Gobindapur Police shall ensure that the order of status quo passed by the Civil Court is strictly complied with, as long as it subsists.

The respondents are also restrained, subject to any modification by the Court below, from alienating the property in question. Needless to mention that any order of transfer effected in violation and during the subsistence of any order of status quo shall be void.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

Since the respondents have not used any affidavits, the allegations made in the writ petition shall not be deemed to have been admitted by them.

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

(Rajasekhar Mantha, J.)