

03.01.2023.
Court No.13
Item No. 48
pk

W.P.A. No. 20368 of 2022

**Shrimati Suchitra Dolai and another
Versus
The State of West Bengal & Ors.**

Mr. Rabindranath Mahato,
Mr. A. S. Ray

...For the petitioners.

Ms. Jayeeta Sinha,
Mr. Sandip Mondal

... For the State.

Mr. Sudeep Sanyal,
Mr. Sukanta Das

... for the respondent nos. 4, 5, 8 and 11.

The writ petitioners claim that in respect of certain property belonging to him an ex parte decree dated 10th September, 2013 has been passed by the learned Civil Judge(Junior Division), Second Court at Midnapore in T. S. No. 76 of 2009.

Since the private respondents, who are the local villagers, are interfering with his possession, the petitioners filed a fresh suit being T. S. 329 of 2022 in the Court of the learned Civil Judge(Junior Division), Third Court at Paschim Midnapore. By an order dated 06.06.2022 status quo order has been passed by the court below till the 28th June, 2022. Status quo has been extended from time to time.

Counsel for the private respondents would submit that they are not interested in any way in the property. Their children are partaking mid-day meals in the school in the premises in question, which is

already constructed over the said property. The allegation against his client that they are digging up the property and/or changing the nature and character, is incorrect.

It is further submitted that the order of injunction does not restrain the children of the villagers from partaking mid-day meals in the said premises.

This Court is of the view that the Kharagpur(local) Police Station is obliged to strictly enforce any order that is passed by the civil court.

The O. C., Kharagpur(local) Police Station shall submit a detailed report before the court below on the activities of the private respondents in the suit property being the subject matter of T. S. No. 329 of 2022 within a period of ten days from date.

Based on the said report, the court below shall pass appropriate orders in accordance with law uninfluenced by any observations made herein above.

Since no affidavit has been used by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted by them.

It is expected that the allegations of the petitioners that the private respondents are violating the order of status quo, made by way of an application and the same shall be disposed of by the court below within one month from date.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)