

10.01.2023
Court No.13
Item No.52
AP

WPA 24559 of 2022

**Jamat Molla and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Soumik Dey

... For the Petitioners.

Mr. Mahamudul Hassan

... For the Respondent Nos.7 & 8.

The petitioners are aggrieved by the fact that the order to status quo dated 2nd July, 2022 passed by the learned 2nd Civil Judge (Junior Division) at Basirhat is not being implemented by the Minakhan Police. The petitioner also claims that the private respondents are also violating the said order of status quo.

The private respondents submit that the suit itself is not maintainable. The petitioners are themselves guilty of violation of the provisions of the WBLR Act.

The private respondents have filed written statement and also taken out proceedings under Order 7 Rule 11 of the Code of Civil Procedure.

This Court is of the view that the order of the Civil Court, as long as it subsists, subject to any modification by any other Court or the Court itself, is liable to be enforced by the police.

Hence, Minakhan Police shall strictly enforce the order of the status quo passed by the Civil Court as mentioned hereinabove and ensure that there is no breach of peace.

It is further ordered that the learned 2nd Civil Judge (Junior Division) at Basirhat shall dispose of the Misc. Case No.32 of 2021 along with the applications filed by the defendants, particularly the application inter alia under Order 7 Rule 11 of the Code of Civil Procedure, mandatorily and positively within a period of two months from the date of communication of this order.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)