

17.04.2023
Court No.13
Item No.12
AP

WPA 25078 of 2022

S. Aasif Imam and Anr.

Vs.

The State of West Bengal and Ors.

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Md. Ibrahim
Mr. Sk. Saidullah
Mr. Mithn Mondal
Mr. Md. Arsalan

... For the Petitioners.

Mr. Santanu Kumar Mitra
Ms. Anandamoyi Ghosh

... For the State.

Mr. R. Ojha
Mr. Surojit Saha

... For the Respondent No.4.

1. There are rival claims with regard to the possession of a shop room at Rabindra Sarani under Bowbazar Police Station.
2. The petitioners claim that they have filed TS No.1717 of 2022 in which the learned Judge, 11th Bench, City Civil Court at Calcutta has directed injunction on 17th August, 2022. The petitioners claim that they have been dispossessed notwithstanding the injunction.
3. The petitioners have filed further suit being TS No.329 of 2023 before the learned City Civil Court, 11th Bench, Calcutta in which injunction has been refused because the petitioners have already been dispossessed.

4. A third party i.e. one Tito Tarafdar has also filed TS No.2435 of 2022 before the City Civil Court, 11th Bench, Calcutta, in which he has obtained an order of injunction. He claims to be in possession of the property.
5. This Court is of the view that the dispute between the parties should be decided in the pending civil suits before the City Civil Court, Calcutta.
6. Bowbazar Police shall, however, ensure that status quo as on date is maintained with regard to the possession of the property.
7. This Court's order of status quo shall abide by any order that may be passed by the City Civil Court, 11th Bench, Calcutta in the aforesaid three suits.
8. It is ordered that the three suits be heard analogously by the Court below. Pending applications may be decided strictly in accordance with law and uninfluenced by any observations made by this Court.
9. Bowbazar Police shall, however, ensure strict compliance of any order that may be passed by the City Civil Court, Calcutta on them specifically.
10. With the aforesaid directions, the writ petition shall stand disposed of.
11. There shall be no order as to costs.
12. The report dated 17th April, 2023 issued by the Officer-in-Charge, Bowbazar Police Station is taken on record.

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

(Rajasekhar Mantha, J.)