

31.01.2023
Court No.13
Item No.5
AP

WPA 26312 of 2022

**Anarul Islam Mondal @ Md. Anarul Islam Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Dipayan Kundu

... For the Petitioner.

Mr. Debasish Saha

... For the Respondent Nos.6 & 7.

The petitioner complains that notwithstanding order of status quo passed by the Civil Judge (Junior Division), 1st Court, Berhampore, Murshidabad in Title Suit No.409 of 2022 the private respondents/landlords have dispossessed him from the suit premises which is a shop room. It is submitted that the petitioner has been wrongfully evicted with the help of local police.

Counsel for the private respondents submits by reference to page 22 of the writ petition, which is an agreement of tenancy, that the document is forged and the private respondents were at all times in possession of the property.

The question as to who was in possession of the property as on the date of the order of status quo passed by the Civil Court cannot be addressed by this Court under Article 226 of the Constitution of India.

The parties are at liberty to approach the Civil Court in this regard. The Court below may after due consideration in accordance with law decide the issue

either through an interim application that may be filed by the parties or at the time of final disposal of the suit. The suit shall, however, stand expedited. The Court below shall attempt to dispose of the matter within a period of three months from date.

With the aforesaid observations, the writ petition shall stand 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.)