

20.03.2023
Court No.13
Item No.30
pk

WPA 26878 of 2022

**Sri Dipak Ghosh
Vs.
State of West Bengal and Ors.**

Mr. A. B. Chakraborty

... For the petitioner.

Ms. Sutapa Sanyal,
Mr. Anand Farmania

... For the State.

Ms. Rita Patra

... For the respondent no. 5.

Ms. Mrinmoyee Roy Chowdhury

... For the respondent no. 6.

The writ petitioner is aggrieved that Nimta Police Station has illegally put a padlock on the shop room, which is the subject matter of a civil dispute between the petitioner, his landlord and the promoters. The landlord wants to develop and promote the property.

The petitioner claims tenancy rights and has filed a civil suit being T. S. No. 237 of 2022. The order of status quo was passed in an appeal being Misc. Appeal No. 61 of 2022. Admittedly, the petitioner's shop room was closed for repairs, when the order of status quo was passed.

Counsel for the petitioner submits that he is entitled to reopen the shop room and run his business by reason of the order of status quo. He further submits that the police are guilty of over action by putting a padlock on the premises.

The private respondent/landlord is represented.

The petitioner and the private respondents may therefore approach either the first Court or the Court below where Misc. Appeal is pending to seek an appropriate interpretation as regards the scope of the order of status quo i.e. as to whether it permits the petitioner to conduct any business thereat.

Nimta Police shall, however, ensure that there is absolute no breach of peace in the area and shall strictly comply with any order that may be passed by the Civil Court.

The writ petition is disposed of.

There will 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.)