

Sl.No.
70 21.11.2024
Court
No. 35
G.S.Das

WPA 4701 of 2023

**With
CAN 1 of 2023**

Dhananjay Patra

-Vs-

The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay
Ms. Riya Ballav
... for the petitioner

Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Sudip Sarkar
... for the State-respondent(s)

Learned advocate for the petitioner submits that in spite of the directions passed in Title Suit No. 366 of 2020 by the learned Civil Judge (Sr. Divn.), 3rd Court, Howrah, wherein, the learned trial court was pleased to direct *status quo* to be maintained in respect of the nature, character and possession and also in respect of alienation of the suit property, the private respondents have violated and raised construction over the suit property in issue.

The petitioner is aggrieved by the fact that in spite of informing the police authorities, no step has been taken for violating the learned Civil Court's order.

The petitioner would, if he is so advised, prefer an application under the relevant provisions of the Cr.P.C. before the learned Court *in seisin* of Title Suit No. 366 of 2020 bringing it to the notice of the Court regarding the violation of the order of the said Court, if any.

If the learned Court by applying its discretion is of the conclusion that its order has been violated, then, necessary police assistance be rendered and appropriate directions be passed, until and unless there is any variation and/or modification of the order so passed by a higher forum.

The police authorities would respect, obey and implement the order

passed by the learned Civil Judge (Sr. Divn.), 3rd Court, Howrah.

In the meantime, the police authorities would keep a strict vigil and see to that no breach of the peace and tranquility takes place at the locale.

Learned advocate for the State would communicate this order to the concerned police station.

With the aforesaid observations, WPA 4701 of 2023 along with CAN 1 of 2023 is disposed of.

Affidavit of service so filed be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

