

12.12.2024
Sl. No.555(ML)
srm

W.P.A. No. 9340 of 2024

Abanti Dinda

Versus

The State of West Bengal & Ors.

Mr. Dyutiman Banerjee,
Mr. Suprio Shasmal,
Mr. Vishal Mallick

...for the Petitioner.

Mr. Jahar Lal Dey,
Mr. Jaladhi Das

...for the State-respondents.

Affidavit-of-service so filed be kept with the record.

Petitioner submits that in spite of the order passed in Title Suit No.10 of 2021 by the learned Civil Judge (Junior Division), Kakdwip, a *status quo* order has been passed by the learned Civil Judge (Junior Division), Kakdwip in respect of the nature and character of the suit property. However, there is a Misc. Violation Case No.31 of 2023 which was filed and subsequent dates have been fixed.

The RS and LR plot numbers referred to in the order as 152 was vested land to the Government and the report which has been submitted before the Court today on behalf of the State, prepared by the Officer-in-Charge, Patharpratima Police Station, reflects also that 35 decimal of land in Dag No.152

under Mouza – Dakshin Shibang, J.L. No.53 is still recorded in the name of the District Collector, 24-Parganas (South).

Learned Advocate appearing on behalf of the State has submitted that in the year 2023 Sulav Toilet Complex was completed and the same was prior to the *status quo* order having been passed.

The earlier order in WPA 5692 of 2023 passed by the learned coordinate Bench also reflects that the construction will continue subject to further decision of competent courts of law.

That being so, I direct that the Officer-in-Charge, Patharpratima Police Station will inform all the State-respondents in the suit for participation before the civil court and contest regarding the order passed in the title suit, if they are confident that the land which has been referred to belongs to the District Collector, 24-Parganas (South)/State of West Bengal.

In view of the present set of circumstances, which has been placed before this Court, I am of the view that the civil court is still directed to adjudicate on the issues, if the civil court after contest in respect of the ownership of the land in question comes to the conclusion, thereafter, if required, it will

pass necessary orders for police assistance and protection which the police authorities then would be bound to consider.

With the aforesaid observations, writ petition being WPA 9340 of 2024 is disposed of.

Report so submitted be kept with the record.

There shall be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)