

Court No. 35
25.06.2024
(Item No. 16)
SD

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15938 of 2024

Sachindranath Mondal and Ors.
VS
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Iqra Rahaman
...for the petitioners.

Mr. Washim Ahmed
Mr. Harun Al Rashid
...for the State respondents.
Mr. H. Datta
...for the respondent nos. 4, 6 and 11.

Affidavit of service filed by the petitioner is taken on record.

The petitioners pray for a direction upon the Officer-in-Charge, Nazat Police Station, Basirhat Police District, North 24 Parganas to act as per order dated 12th July, 2023 passed in Title Suit No. 316/22.

The order dated 12th July, 2023 is preceded by an order dated 20th July, 2022 whereby the Court directed the parties to main status quo with regard to the nature, character, transfer and joint possession of the suit property.

The petitioners refer to page 22 of the writ petition where a hand drawn sketch is annexed. The petitioner submits that they are occupying the dark portion marked in the sketch map and the private respondents are in occupation of the portion marked with broken lines.

The petitioners allege that the private respondents are forcefully entering into the land of the petitioner for the purpose of cultivation.

Learned advocate representing the private respondents is not aware with regard to the portion which his clients are presently occupying and cultivating.

As it appears that the learned trial Court has specifically directed the Officer-in-Charge, Nazat Police Station to allow the parties to cultivate their respective possessed portion, accordingly, for complying the directions passed by the Court, the police ought to ensure that the parties cultivate their respective possessed portions. The order of status quo passed by the learned trial Court should be complied with strictly by the parties.

The Officer-in-Charge, Nazat Police Station shall take steps accordingly. The parties are directed to act in terms of the order passed by the learned civil court. The police shall ensure that there is no breach of peace in the locale and the life and property of neither of the parties are jeopardized in any manner whatsoever.

Instructions forwarded by the Officer-in-Charge, Nazat Police Station is taken on record.

The writ petition stands disposed of.

All parties shall act in terms of the copy of this order downloaded from the official website of High Court, Calcutta.

(Amrita Sinha, J.)