

Item No.5

04.07.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16898 of 2024
Musa @ Musa Ali Laskar
v.
The State of West Bengal & Ors.

Mr. Md. Zeeshanuz Zaman
... for the petitioner.

Mr. Jayanta Samanta, Ld. Sr. Govt. Adv.
Ms. Supriya Majumder
...for the State.

The petitioner alleges that the private respondents are restraining him from using the common toilet.

Reference has been made to the order dated April 6, 2024 passed by the learned Civil Judge (Senior Division) 1st Court, Baruipur, In-charge of CJSD-2, Baruipur in T.S. No. 140 of 2024 whereby the Court directed the parties to maintain *status quo* as regards the nature, character and possession of the suit property.

The writ Court is not in a position to ascertain as to whether the property in question is common to the suit property or not. All issues are pending consideration before the learned Civil Judge.

It will be open for the petitioner to approach the learned Court in seisin of the matter for necessary direction upon the police. Directing the police to interfere in personal matters by the writ Court may not be proper.

The writ petition stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)