

23.09.2024
Sl. No. 51
g.b.
Court No.07

W.P.A. 20898 of 2024

Ranjit Ghosh
-Vs-
The State of W. B. & Ors.

Mr. Atis Kumar Biswas
Mr. A. Singh
Mrs. Jyoti Agarwal
.....For the Petitioner
Ms. Sabnam De Bardhan
Sm. Samim Ullah
.....For the State

Affidavit of service filed in court today is taken on record.

As prayed for by the learned advocate for the petitioner, leave is granted to the petitioner to amend the prayer portion of the writ petition here and now.

The petitioner has prayed for an order directing the Officer-in-charge, Murutia Police Station being the respondent no.7 to comply with the order dated 19.05.2024 passed by the learned Civil Judge (Jr. Division), Tehatta, Nadia in Title Suit No. 256 of 2023.

It appears from the record that the petitioner along with others as plaintiffs filed the Title Suit No. 256 of 2023 before the learned Civil Judge (Jr. Division), Tehatta, Nadia praying for a decree of permanent injunction. The learned Civil Judge (Jr. Division), Tehatta, Nadia by an order dated 19.05.2023 passed an order to the following effect:

“That the order of ad-interim injunction be passed in favour of the plaintiffs and the defendants are hereby restrained from entering into the suit property, dispossessing the plaintiffs, creating any disturbances in the peaceful possession of the plaintiffs or their attorney holder till the next date.

The plaintiffs are directed to strictly comply with this order strictly u/o 39 rule 1 and 2 r/w section 151 of C.P.C. accordingly.

The defendants are at liberty to file show cause within 15 days from the receipt of the notice.”

Thereafter, the petitioner filed an application for police help under Section 151 of the C.P.C. and learned Civil Judge by an order being no. 04 dated 09.01.2024 directed the Officer-in-charge, Murutia Police Station to ensure that the order no.2 dated 19.05.2024 is not violated by the defendant and further to assist the plaintiff if need be. Without making any comment as to whether an ad-interim order of status quo without indicating the status as on the relevant date of passing of the order can be directed to be implemented, this court finds that there is no necessity to pass a further order as the learned Civil Judge has already passed an order directing the police to implement the ad-interim order of status quo.

With the above observation and direction, the writ petition is disposed of.

It is alleged that in spite of specific direction passed by the learned Civil Judge, the police authorities are not taking any step to implement the ad-interim order of status quo. It is now well settled that an order of status quo without indicating the status as on the date of passing the same is a void order. Such a void order cannot be implemented through police help.

This court is, therefore, of the considered view that the allegation of police inaction for implementing such an unspecified order of status quo is without any basis.

After this order was dictated the learned advocate for the petitioner draws the attention of this court to the representation dated 6th March, 2024 which is annexed at page 26 to the writ petition. It has been specifically stated in the said representation under paragraph 4 that during

the pendency of the civil court's injunction and police protection, the defendants illegally threatened the petitioner while he was working in the field and began and tried to damage the standing crops and trees belonging to the petitioner. Since the civil court is in seisin over the matter, no direction for police protection in the light of the allegations made under paragraph 4 of the representation dated 6th March, 2024 can be passed at this stage.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)