

**65**  
24.09.2024  
**KC**

**WPA 21291 of 2024**  
Mosammat Rasida Bibi & Ors.  
Vs.  
The State of West Bengal & Ors.

Mr. Haradhan Mondal  
... for the petitioner.

Mr. A. Paul  
... for the respondent nos. 5, 7 & 9.

Mr. Amal Kumar Sen  
Ms. Sahina Sumi  
... for the State.

The petitioner alleges that in spite of subsistence of a status quo order passed by a Civil Court of competent jurisdiction, the police authority is not taking any step to implement the said order.

Learned advocate for the petitioner draws the attention of the Court to an order dated April 10, 2023 passed by the learned Civil Judge (Senior Division), Basirhat in T.S. No. 78 of 2017 and submits that the Officer-in-Charge of the local police station was directed to implement the order of injunction.

The learned advocate appearing for the private respondent submits that the Civil Court is in seisin over the dispute between the parties. The private respondents have

not acted in violation of the status quo order passed by the learned Civil Court.

Such submission is, however, disputed by the learned advocate appearing for the petitioner.

Mr. Sen, learned Additional Government Pleader submits that steps have already been taken, the police authorities are keeping a strict vigil at the locale and several proceedings under Section 107/116(C) of the Code of Criminal Procedure have been initiated. The report of the Sub-Inspector of Police, Matia Police Station dated September 9, 2024 is taken on record.

It is not in dispute that the petitioner and the private respondent are co-sharers and a partition suit being T.S. No. 78 of 2017 is pending before the learned Civil Judge, Senior Division, Basirhat. The learned Civil Judge by an order dated March 23, 2017 directed the plaintiffs and the defendant i.e. the petitioners and the private respondents to maintain status quo with regard to the joint possession in respect of the suit property for a specified period.

The learned advocates for the parties uniformly submit that the ad interim order of status quo has been extended from time to time and the same is still is

subsistence. It further appears from the report that the learned Civil Judge directed the Officer-in-Charge, Matia Police Station to implement the injunction order dated March 23, 2017. Since the Civil Court has already directed the police authorities to implement its own order, there is no necessity to pass a further order directing the police authority to implement the order passed by the learned Civil Court. However, the police authorities are obliged to carry out and implement the orders passed by the learned Civil Court. The police authorities shall also ensure that no breach of peace takes place at the locale.

With the above observations and directions, the writ petition stands disposed of.

There shall, however, be no order as to costs.

**(Hiranmay Bhattacharyya, J.)**