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24.09.2024  
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**WPA 21292 of 2024**

Manika Das  
Vs.  
The State of West Bengal & Ors.

Mr. Haradhan Mondal  
... for the petitioner.

Mr. Sanjib Kumar mukhopadhyay  
Ms. Nargish Parveen  
Ms. P. Roy  
... for the respondent no. 4.

Mr. Ashim Kumar Ganguly  
Ms. J. Roy Mukherjee  
... for the State.

Learned advocate for the petitioner submits that in spite of the fact that the learned Civil Court has passed an order of injunction directing the defendant i.e. the private respondent herein to maintain status quo and not to disturb the peaceful possession of the plaintiff/writ petitioner herein in respect of the property in question, the private respondents herein are disturbing the possession of the petitioner in violation of the order of injunction.

The learned advocate for the private respondent submits that since the allegation of the petitioner is that the private respondents are violating the order of injunction, the petitioner should have approached the Civil Court under Order

39 Rule 2A of the Code of Civil Procedure.

Learned advocate for the State files a report of the Officer-in-Charge, Labpur Police Station, Birbhum dated September 23, 2024 stating that the police authorities have submitted a prosecution under Section 126/135 BNSS against the private respondent vide Labpur PS NCR No. 414 of 2024 dated July 29, 2024.

After hearing the learned advocates for the parties and perusing the materials on record, this Court finds that the Civil Court is in seisin over the dispute between the private parties in respect of an immovable property. In the event, the petitioner alleges that the private respondent has violated the order of status quo, recourse under Order 39 Rule 2A of the Code of Civil Procedure is to be resorted to. It is also open to the petitioner to approach the Civil Court for implementation of the order of status quo, if the same is still in subsistence and can be implemented through police help.

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

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

**(Hiranmay Bhattacharyya, J.)**