

D/L. 67.
September 26, 2024.
MNS.

WPA No. 22050 of 2024

Saukat Ali Sk.
Vs.
The State of West Bengal and others

Mr. Supratik Shyamal,
Mr. Alokesh Dalai,
Ms. Moupiya De Basu

... for the petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Jayeta Mitra (Kundu)

...for the State.

The learned Advocate appearing for the petitioner submits that during the pendency of this writ petition, the private respondent no. 8, namely, Musst. Rahatun Bibi, expired and her heirs are already on record as respondent nos. 9 and 10.

In view thereof, the learned Advocate-on-record of the petitioner is given leave to amend the cause title of the writ petition by expunging the name of the 8th respondent.

The learned Advocate for the petitioner states that the learned Civil Judge (Junior Division), 3rd Court at Baruipur, South 24-Parganas, passed an order on December 17, 2020 in Title Suit No. 289 of 2020 directing the parties, that is, the petitioner and the private respondents herein to maintain *status quo* with

regard to the nature, character and possession of the said property as it is stood on the date of passing of the said order and the defendants/private respondents herein were directed not to disturb the peaceful possession of the plaintiff/writ petitioner over the suit property and not to damage the suit property for a specified time period.

The learned Advocate appearing for the petitioner submits that the aforesaid ad interim order was extended from time to time and the same is still in force. The petitioner alleges that in spite of subsistence of an order of *status quo*, the private respondents herein are creating disturbances in the peaceful possession of the petitioner in respect of the property, which is the subject matter of the civil suit.

Affidavit-of-service filed in court today is taken on record. In spite of service of notice, none appears for the private respondents.

The learned Advocate appearing for the State submits, on instructions, that the dispute between the parties is civil in nature.

Insofar as the allegation of violation of an order of *status quo* is concerned, it is for the petitioner to take recourses available under the provisions of the Civil Procedure Code. However, merely because of the fact that there is a

provision under the CPC with regard to violation of an order of injunction that does not take away the right of a party to approach the court praying for implementation of an order of injunction.

Since the order of *status quo* passed by the civil court is in subsistence, the police authorities are duty bound to implement the same till the same is in force.

In view thereof, the Officer-in-Charge, Joynagar Police Station, being the 3rd respondent, is directed to implement the order of *status quo* passed by the learned Civil Judge (Junior Division), 3rd Court at Baruipur, South 24-Parganas, till the same is in force.

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

There will be no order as to costs.

Photostat certified copy of this order, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)