

19.03.2024
Item No.23
gd/ssd

MAT/1715/2023
IA NO: CAN/1/2023
SK. NAJBUL ALI AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sujit Bhunia
..for the Appellants.

1. This intra court appeal by the respondents are directed against the order dated 26.6.2023 in WPA 25978 of 2022 by which a direction was issued to the respondent police to take every measure necessary to secure the writ petitioners from the appellant and shall strictly and comprehensively comply with the specific directions of the civil court passed on them.

2. Aggrieved by such direction, the private respondents in the writ petition are the appellants in this appeal.

3. Admittedly, civil suit is pending in TS No.722 of 2018 on the file of the Civil Judge (Senior Division), 3rd Court, Paschim Medinipur.

4. The appellants are the plaintiffs in the said suit and an order of status quo was passed by the learned trial judge by order dated 12th April, 2019.

5. The defendants in the suit alleged violation of the order of status quo and subsequently the trial court passed an order on 5th August, 2022 directing the respondent police to ensure that the order dated 12th

April, 2019 passed by the civil court is implemented by the parties.

6. The court by order dated 14.09.2022 has recorded the compliance report submitted by the ASI of Debra Police Station which was kept on record.

7. In the background of these facts the respondents herein had filed the writ petition praying for issuance of Writ of Mandamus to direct the respondents/opposite parties as to why they should not be put in civil imprisonment for disobedience of the order of status quo passed by the civil court.

8. Though official respondents had been impleaded in the writ petition, the prayer is clearly against the private parties, namely, the appellants herein.

9. Therefore, we are of the view that the writ petition was not maintainable.

10. Accordingly, the appeal is allowed and the order passed by the learned Single Bench is set aside.

11. It is open to the parties to agitate all the rights in the pending civil proceedings.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)