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30.09.2024
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WPA 22543 of 2024

Foriduddin Karigar @ Fariduddin @ Forid Udin Karikar
Vs.
The State of West Bengal & Ors.

Mr. Hamidur Rahaman
... for the petitioner.

Mr. Baidurya Ghosal
Mr. Saikat Mukherjee
Ms. Anupama Biswas
... for the respondent nos. 4 & 5.

Ms. Sabnam De Bardhan
... for the State.

Affidavit of service filed in Court is taken on
record.

The petitioner alleges that the private
respondents herein are making construction on the property
of the petitioner. The petitioner lodged a complaint before
the police authorities by letter dated August 24, 2024 but in
spite of receipt of the same, the police authorities have not
taken any steps on the basis of such complaint.

Learned advocate for the private respondents
submits that the suit being T.S. No. 499 of 2012 is pending
before the learned Civil Judge, Junior Division, Lalbagh.

None appears for the State in spite of notice.

Ms. Sabnam De Bardhan, learned advocate, who usually appears for the State is present in Court today and is requested to appear in this matter and her appointment be regularized by the learned Legal Remembrancer. Let a copy of the writ petition be served upon the learned advocate for the State in course of this day.

The petitioner has annexed a copy of the information slip wherefrom it appears that the learned Civil Judge by an order dated October 10, 2012 passed an order directing the parties to maintain status quo as regards transfer in respect of the suit property for a limited period, which was subsequently extended from time to time and the same is in force till May, 2025.

Learned advocate for the petitioner could not satisfy the Court as to whether there is an order of status quo with regard to nature and character of the property in question.

Since the civil suit is pending, petitioner is left free to approach the Civil Court in case the petitioner alleges that the private respondents are changing the nature and character of the property, which is the subject matter of the civil suit.

The learned advocate for the State submits that the police authorities have taken steps pursuant to the complaint lodged by the petitioners. Such submission is placed on record.

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

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

(Hiranmay Bhattacharyya, J.)