

D/L.72.
October 4, 2024.
MNS.

WPA No. 23552 of 2024

Habibulla Bahar Molla
Vs.
The State of West Bengal and others

Mr. Sudarsan Haldar

... for the petitioner.

Mr. Ashim Kr. Ganguly,
Ms. Jyotsna Roy Mukherjee

...for the State.

Mr. A. K. Bhattacharya,
Mr. Nikhil Kr. Gupta,
Mr. M. Saha

...for the respondent no. 7.

The petitioner alleges that the private respondent is trying to change the nature and character of the suit property in spite of an order of *status quo* being passed by the learned Civil Court. The petitioner has prayed for an order directing the demolition of construction raised by the private respondent herein on the schedule property, which the petitioner claims to be owned by his father.

The learned Advocate appearing for the private respondent submits that the petitioner approached this Court by filing a writ petition, being WPA No. 20045 of 2023, and a co-ordinate Bench by an order dated September 14, 2023

directed the petitioner to approach the learned Civil Court.

The learned Advocate appearing for the State files a copy of the report of the Officer-in-Charge, Chandaneswar Police Station dated September 24, 2024, which is taken on record.

It appears from the record that the petitioner filed a suit, being Title Suit No. 1975 of 2022, which is pending before the learned Civil Judge (Junior Division), 1st Additional Court at Alipore, District- South 24 Parganas. The learned Civil Court by an order dated December 23, 2022 passed an ad interim order directing the parties to maintain *status quo* as to the nature, character and activities as on that day in respect of the schedule suit property.

The learned Advocate appearing for the petitioner submits that the said ad interim order has been extended from time to time and the said order is still in force.

Since the Civil Court is in *seisin* over the matter, the petitioner is left free to approach the learned Civil Court for appropriate reliefs in accordance with law.

It appears from the report of the Officer-in-Charge of Chandaneswar Police Station that pursuant to the complaint lodged by the petitioner alleging that the private respondent has damaged

the coconut trees on the petitioner's land and have taken away the same from the property of the petitioner, it appears that a prosecution under Section 126 BNSS has been submitted against the private respondent herein vide PR No. 34 of 2024. Therefore, it appears that the police authorities have taken steps pursuant to the complaint lodged by the petitioner.

The Officer-in-Charge of Chandaneswar Police Station shall ensure that no breach of peace takes place at the locale.

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

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)