

**ML-76**  
**12.06.2024**  
**Court No. 14**  
AGM

**In The High Court At Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A 27570 of 2023**

**Kanailal Koley**  
**-versus**  
**The State of West Bengal & Ors.**

**Mr. Ziaul Haque.**  
**Mr. Himadri Kumar Mahata.**  
**... For the petitioner.**

**Mr. Ashim Kumar Ganguly.**  
**Mr. Tarak Karan.**  
**...For the State.**

**Mr. Sajal Pandit.**  
**Ms. Jayshree Kumar Jha.**  
**... for the Private respondents.**

The petitioner claims to be the owner and occupier of the plots of land mentioned in paragraph 3 of the writ petition. The name of the petitioner has duly been mutated in the land records.

Grievance of the petitioner is that the private respondents are forcefully trying to dispossess the petitioner from the subject plots of land. The private respondents are also forcefully trying to encroach and take possession of the land from the petitioner.

A suit for preemption filed at the behest of the private respondents is pending consideration before the learned Court below and an order of injunction has been passed by the learned Civil Judge (Junior Division), Additional Court, Hooghly on 22<sup>nd</sup> September, 2023 in PMC 03 of 2023. The Court directed the Officer-in-charge, Dhaniakhali PS to ensure that the

order of status quo is maintained over the scheduled property.

Learned advocate representing the private respondents submits, upon instruction that, as the suit for preemption is pending, accordingly, no order is required to be passed in the instant writ petition.

Learned advocate representing the State respondents submits that there is a civil dispute between the parties and the learned Civil Court is in seisin of the same. The police does not have any role to play in the matter.

Upon hearing the submission made on behalf of both the parties and upon perusal of the documents annexed to the writ petition it appears that the plots in question are recorded in the name of the petitioner in the record of rights. The said recording has a presumptive value. The petitioner claims to be in possession of the subject plots of land.

Learned Civil Judge (Junior Division) has directed the parties to maintain status quo and has further directed the Officer-in-Charge, Dhaniakhali PS to ensure that the order of status quo is maintained over the scheduled property.

The parties are directed to strictly maintain the order of status quo passed by the learned Civil Court in respect of the plots of land mentioned in paragraph 3 of the writ petition. The Officer-in-Charge, Dhaniakhali PS shall strictly ensure that the order passed by the learned Court is properly complied with.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**