

MAT 7 of 2025
with
CAN/1/2025

Khodarkha Munshi @ Liyakat Ali Munshi and Ors.
Versus
State of West Bengal and Ors.

Mr. Partha Pratim Roy
Mr. Anirban Das
Mr. Samrat Chakraborty

...For the Appellants

Mr. Swapan Banerjee
Mr. Soumen Chatterjee

...For the State

1. This intra-court appeal is directed against the order dated 5th December, 2024 passed in W.P.A. 28225 of 2024. On going through the order, more particularly, last paragraph of internal page-3 of the order we find observation of learned Writ Court to be just and proper. The learned Writ Court after taking note of the order of status quo granted by the Civil Court, namely, learned Civil Judge (Jr. Division), 1st Court, Barasat, North 24 Parganas has observed that if the writ petitioners are facing problem they can approach the learned Civil Court for proper police assistance and/or police protection in connection with Title Suit No. 867 of 2024. However, in the previous paragraph in page-3 there is an observation made by the learned Writ Court that if there is interference from any corner police authorities ensure that the same is dissuaded.

2. According to the learned advocate for the respondents/writ petitioners this is in the nature of observation. However, we are not inclined to accept the said submission since it will be a risky proposition to permit the police authority to interpret the order passed by the Civil Court.
3. Therefore, the observations made in the last paragraph of the order of the learned Single Bench is correct and fully justified by directing the writ petitioners to approach the Civil Court for appropriate order. Therefore, this appeal and the connected application are allowed and the portion of the order in paragraph-2 of page-3 of the impugned order starting with "...if there is any interference from any corner, the police authorities would ensure that the same is dissuaded." is set aside and in the event, the writ petitioners face any problem or there is violation of the order of status quo it will be well-open to the writ petitioners/plaintiffs to approach the Civil Court for necessary relief.

(T.S. Sivagnanam)
Chief Justice

(Bivas Pattanayak, J.)