

31.01.2025
Item No.75, DL
Court No.35
AJ.

**IN THE HIGH COURT AT CLACUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 1822 of 2025

Sk. Sabir Ali & Anr.

-Vs-

The State of West Bengal & Ors.

Mr. Debabrata Sardar.

.....for the Petitioners.

Mr. Sonnath Ganguly, Ld. A.G.P.,

Ms. Sangeeta Roy.

.....for the State.

Mr. Kushal Chatterjee,

Mr. Iftikar Munshi.

....for the respondent nos.5 to 10.

Affidavit of service filed on behalf of the
petitioners be kept with the record.

The petitioners are aggrieved by the fact
that their construction has been stopped at the
behest of the private respondents. The
petitioners claim that they have purchased a
property and the private respondents have no
right, title and interest over the property.

On the other hand, the learned Advocate
for the private respondents submits that they
also have right, title and interest over the
property. To that effect a civil suit is pending
before the learned Civil Judge (Junior Division),
2nd Court at Uluberia, Howrah being T.S. No.165
of 2023 wherein an order of status quo has been
passed.

Learned Advocate for the State has forwarded a report before this Court that the status quo order is in respect of the nature, character and possession of the 'D' schedule property.

In view of the Civil Court in seisin of the issue, there is no scope for the police authorities to interfere in respect of the orders passed by the Civil Court. The report also reflects that the next date is fixed on 5th June, 2025 and the status quo order is subsisting till the said date.

If the petitioners are aggrieved, they would prefer an appropriate application before the said Civil Court or its Appellate Forum for necessary direction for the police authorities to act. In the meantime, I direct that police would keep a strict vigil and surveillance as the parties are in an inimical relationship. The police would ensure that no breach of peace and tranquility takes place.

For the aforesaid observations, WPA 1822 of 2025 is disposed of.

The report submitted by the State be kept with the record. Copy of the said report be handed over to both the parties.

Needless to say that since the respondents have not been called upon to file

any affidavit, the allegation made in the writ petition is deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)