

D/L 18
03.04.2025
Bpg.
ct.no.35

W.P.A.26238 of 2024

**Sekh Habibur Rahaman @
Sekh Habibur Rahman
Versus
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Mr. Sourav Roy.
...for the petitioner.

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

Ms. Sudipa Biswas
Ms. Pritikana Gantait
Mr. Sudipta Maiti.
...for the private respondent no.5.

Petitioner is aggrieved by the fact that in spite of an order passed in T.S. No.615 of 2022 wherein there was a direction by the learned Civil Judge (Senior Division), 2nd Court, Paschim Medinipur that status quo in respect of the suit property regarding nature, character and existing possession be maintained, according to the petitioner, the same is being violated. To that effect, information was furnished with the Inspector-in-Charge, Keshpur Police Station on or about 26.09.2024 wherein it was contended that in spite of the status quo order, petitioner was attempted to be thrown out from the physical possession of the property by the private

respondent. There are other accusations made against the private respondent.

State has submitted a report. Report reflects that a physical enquiry was conducted and the private respondent had earlier erected a kaccha house which is there for about 30 years. It is further reflected from the report that no construction work has been done over the suit property.

Learned advocate for the private respondent no.5 submits that he is in the property for the last 30 years.

Since the civil court is already in seisin of the issue and the petitioner contends regarding the violation of the civil court's order, I direct that the petitioner would be at liberty to approach the civil court with suitable prayers in case the order of status quo has been violated or flouted. If the civil court passes any direction upon the police authorities, police authorities would render appropriate assistance to the petitioner. In the meantime, police authorities would continue to keep their strict vigil and would ensure that no untoward incident results because of the strained relationship existing between the parties.

With the aforesaid observations, WPA 26238 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)