

Sl.No.

74

13.01.2025

Court

No. 35

G.S.Das

## WPA 30174 of 2024

**Smt. Mahuya Karmakar**

**-Vs-**

**The State of West Bengal & Ors.**

Mr. B. Lahiri

Ms. B. Lahiri

Ms. Rinku Pachhal

... for the petitioner(s)

Mr. Somnath Ganguly

Ms. Tuli Sinha

... for the State-respondent(s)

Mr. Tapas Dey

Mr. Prosenjit Saha

... for the private respondent(s)

The petitioner is aggrieved by the fact that in spite of the directions passed in T.S. No. 1304 of 2023 by the learned Civil Judge (Sr. Divn.), 3<sup>rd</sup> Court, Barasat, the private respondents are violating the same.

The attention of the Court is drawn to the order dated 24.11.2023 passed in the said Civil Suit, wherein, a *status quo* order was passed.

The petitioner complains that the said order is violated and the private respondents are trying to fence/erect the boundary wall encroaching the petitioner's property.

As the learned Civil Court is *in seisin* of the matter, so far as the demarcation of the property is concerned, it would be for the learned Civil Court to decide.

So far as the violation of the *status quo* order is concerned, the petitioner would prefer an appropriate application under the relevant provisions of law either under Section 151 of the CPR or under Order XXXIX Rule 2A of the CPC.

In the meantime, till the civil court decides the issues, the police authorities are directed to keep a strict vigil as also ensure that no breach of the peace and

tranquility takes place because of strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, WPA 30174 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. Let a copy of the report be handed over to the learned advocate for the petitioner and the private respondents.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

**(Tirthankar Ghosh, J.)**