

15.01.2025.
Monthly List Item No. 41.
Court No. 35
ap

W.P.A. No. 30336 of 2024

**Sukumar Naskar & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Kaustav Banerjee,
Ms. Ria Kundu.

...For the petitioners.

Mr. Joydip Banerjee,
Mr. Prabir Kumar Ray.

...For the State.

1. Affidavit-of-service filed by the petitioners be kept with the record.
2. Petitioners are aggrieved by the inaction on the part of the police authorities in respect of the information furnished through his learned Advocate dated December 2, 2024.
3. I find that one of the contentions advanced in the said information relate to the respondents flexing their muscle powers for demolishing a temple and creating a new pathway and if they protested they are threatened with dire consequences.
4. Records enclosed with the writ petition also reflect that Title Suit No. 370 of 2024 is pending before the learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour wherein by an order dated 25th September, 2024 a status quo order was passed in respect of the nature and character of the suit property.

5. Learned Advocate for the State has submitted a report. The said report reflects that the disputes between the petitioners and the private respondents are civil in nature.

6. I find from the records that the Civil Court is already in seisin of the disputes and the Civil Court has already passed an order of status quo. If there is any violation of the status quo order, the petitioners would approach the Civil Court either under Section 151 of the Code of Civil Procedure or under Order 39, Rule 2A of the Code of Civil Procedure. If a specific direction is passed by the Civil Court for rendering police assistance, the police authorities would respect, obey and implement such order.

7. In the meantime, the police authorities would keep a strict vigil at the locale and ensure that no breach of peace takes place in respect of the disputes referred to in the writ petition.

8. Report filed by the State in Court today be kept with the record.

9. With the aforesaid observations, W.P.A. No. 30336 of 2024 is disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

