

04.04.2025  
Item no. 14.  
Court No.1.  
AB

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**M.A.T. 22 of 2025  
With  
CAN 1 of 2025**

**Smt. Rita Majumdar & Anr.  
Vs  
Pradip Paul & Ors.**

Mr. Sandip Mondal,  
Mr. Amit Saha .....for the Appellants.

Ms. Bedashruti Bose  
Mr. Sumit Kumar .....for the State.

Mr. Gopal Sah .....for the Respondent No.1.

**Dictated by Arijit Banerjee, J.**

1. This appeal is directed against a judgment and order dated February 13, 2025, whereby a learned Judge of this Court disposed of the writ petition of the respondent no.1 in this appeal, being WPA 359 of 2025.
2. The writ petitioner approached the learned Single Judge with a prayer for an appropriate direction on the Police Authorities to implement an order of status quo that the writ petitioner claims to have obtained in respect of the concerned property in Title Suit No. 138 of 2022 pending in the Court of the learned Civil Judge (Junior Division), Jalpaiguri, on March 5, 2024. He alleged that in spite of the

order of status quo the respondent nos.4 to 6 in the writ petition (the present appellants being the respondent nos.4 and 5 in the writ petition) were continuing with construction work on the suit premises.

3. The learned Judge disposed of the writ petition with the following directions:

*“When a competent Civil Court has issued an injunction order and directed the police to ensure its compliance, it is the duty of the police to take the necessary steps for its enforcement.*

*In light of the foregoing, this writ petition is disposed of with a direction to the Officer in Charge of Bhaktinagar Police Station to ensure that the status quo order dated March 5, 2024, is not violated by respondents no.4 to 6. If necessary, the Officer in Charge shall have the liberty to take appropriate measures to enforce compliance.”*

4. Being aggrieved, the respondent nos.4 and 5 in the writ petition have come up by way of this appeal.
5. Learned Advocate for the appellants says that the interim order of status quo was obtained without notice to the appellants herein and the appellants are not even sure if on that date i.e. March 5, 2024, the appellants had been impleaded as party defendants to Title Suit No.138 of 2022. The appellants say that originally, they were not party defendants to the suit going by the copy of the plaint

annexed to the writ petition served on them. Till date no copy of any amended plaint or writ of summons has been served on the present appellants in connection with the aforesaid Title Suit.

6. The appellants further say that they have already applied for vacating of the interim order of status quo. The appellants are in possession of the suit property and are owners thereof by virtue of a registered sale deed as well as mutation certificate. However, because of the order of the learned Single Judge, the concerned Police Authorities are making life very difficult for the appellants.
7. We have also heard learned Advocates for the other parties.
8. Learned State Advocate says that the Police Authorities have acted strictly in terms of the order of the learned Single Judge and have not in any manner harassed or inconvenienced the present appellants.
9. We do not find any infirmity in the learned Single Judge's order. The learned Judge was perfectly justified in observing that once a competent Civil Court has issued an injunction order, it should be carried out by all concerned.

10. However, we are told that the appellants herein have now approached the learned Trial Court in Title Suit No.138 of 2022 for having the interim order of status quo vacated. We request learned Trial Court to dispose of such application filed by the appellants herein as soon as possible and preferably within three months from the date of communication of this order, without being influenced by any observation in the order dated February 13, 2025, passed by the learned Single Judge in WPA No.359 of 2025 or any observation in the present order. The learned Trial Court shall decide the application for vacating the interim order independently and in accordance with law.
11. Since we have not called for affidavits, the allegations made in the stay petition are deemed not to be admitted by the respondents.
12. MAT 22 of 2025 is disposed of along with CAN 1 of 2025.
13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Biswaroop Chowdhury, J.)**

**(Arijit Banerjee, J.)**

