

Sl.73
30.09.2024
S. Gayen
ct.no.7

W.P.A. 22707 of 2024

**Md. Ianustulla Mondal
Versus
State of West Bengal and Ors.**

Mr. Robiul Islam
Mr. Raju Mondal
Mr. Masood Rahman

...for the petitioner.

Mr. Amal Kr. Sen, Ld. AGP

Mrs. Ashima Das (Sil)

...for the State Respondents.

Ms. Manali Biswas

Ms. Pritam Banerjee

...for the respondent Nos. 6 to 15.

The petitioner alleges that the private respondents are carrying on construction work in the property of the petitioner in violation of the order of *status quo* passed by the learned Civil Judge (Senior Division), 1st Court, Berhampore, Murshidabad in Partition Suit No. 197/2023.

The learned advocate appearing for the private respondents submits that they have not violated the order of *status quo*.

The learned advocate appearing for the State files a report of the Inspector-in-Charge, Domkal

Police Station, Murshidabad District dated September 11, 2024, which is taken on record.

After going through the order dated 4th of May, 2023 passed by the learned Civil Judge (Senior Division), Berhampore, Murshidabad in the Partition Suit No. 197/2023, this Court finds that the learned Trial Judge directed the plaintiffs (petitioner herein) and the defendant Nos. 1 to 10 to maintain *status quo* with regard to the nature, character and possession of the suit property and the defendants were also restrained from making any construction on the suit property till the next date. No documents have been produced by the petitioner before this Court to show the private respondents have started making construction work in violation of the order of *status quo* passed by the Civil Court. From the report of the Inspector-in-Charge, Domkal Police Station dates September 11, 2024, it appears that the police authorities upon making an enquiry found that the scheduled land is a totally vacant land and no construction was found in the suit land. The said report further states that police patrolling has been geared up in that locality and sharp vigil has been kept to avoid any untoward incident.

With the above observations and directions the writ petition stands disposed of. In case the

petitioner faces any disturbance in his peaceful possession over the suit property, the petitioner is left free to approach the proper forum for appropriate reliefs in accordance with law.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)