

S/L. 11.
September 10, 2020.
MNS.

W. P. A. 6008 of 2020
With
IA No: CAN 1 of 2020(CAN 4190 of 2020)
(Via Video conference)

Bhagabati Chakraborty
Vs.
The State of West Bengal and others

Mr. Sounak Bhattacharya,
Mr. Zohaib Rauf

...for the petitioner.

Mr. Sakti Pada Jana

...for the respondent no. 4.

The petitioner, being the mother of the private respondent no. 4, has filed the present writ petition alleging that in violation of the order dated February 12, 2020 in Title Suit No. 151 of 2020 passed by the learned Civil Judge(Senior Division), 7th Bench at Alipore, the private respondent no. 4 is trying to forcefully take possession of the immovable property situate at 24/5, Sukanta Sarani, Police Station- Parnasree, Kolkata- 700 060 (hereinafter referred to as "the said property").

The private respondent no. 4 is represented by Mr. Sakti Pada Jana, learned Advocate. The private respondent no. 4 cannot

dispute that the petitioner is in possession of the said property.

The order dated February 12, 2020 passed in Title Suit No. 151 of 2020 records the possession of the petitioner in respect of the said property.

The private respondent no. 4 submits that he is not interested to interfere with the possession of the petitioner in respect of the said property or to change the nature and character of the said property.

Although the respondent no. 4 claims to be in possession of a portion of the said property, but no documentary evidence has been produced to substantiate such assertion. The address of the private respondent, as mentioned in the present writ petition, is at 6-A, Adarsha Nagar (East), Police Station- Parnasree, Post Office- Sarsuna, Kolkata- 700 061 and not the said property.

It is settled law that normally this Court does not entertain any writ petition to execute any order passed by any Civil Court. However, in the present pandemic situation when the civil courts are not regularly functioning, the writ petition is admitted.

In view of the submission made by the private respondent no. 4, the present writ petition along with connected applications are disposed of by directing the respondent no. 3, the Officer-in-Charge of Parnasree Police Station, to ensure that the petitioner's possession in respect of the said property is not interfered with by the private respondent no. 4 or any person whosoever till the decision of the civil court in Title Suit No. 151 of 2020. The private respondent no. 4 is also restrained from carrying out any construction work as the said property. He is further restrained from transferring or alienating or encumbering any portion of the said property until the decision in the injunction application filed in Title Suit No. 151 of 2020.

Since the respondents were not called upon to file any affidavit, the allegations made by the petitioner in the writ petition against the respondents shall be deemed not to have been admitted.

There will be no order as to costs.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court.

(Ashis Kumar Chakraborty, J.)

