

28-05-2021

ct no. 13

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**WPA 4344 of 2021
(Through Video Conference)**

Subal Chandra Das & Ors.

-Versus-

State of West Bengal & Ors.

Mr. Baidurya Ghosal

....for the petitioners

Mr. Ayan Banerjee

...for the State-respondents

The petitioners complain that in respect of title to 23 decimals of land located at Mouza-Bujruk Bandhail under Gazole Police Station, a civil suit is pending and orders have been passed injuncting the private respondents against interference with the petitioners' possession of land. The orders have been passed by the Civil Judge (Junior Division), 2nd Court at Malda in T.S. No. 117 of 2017.

It is submitted by the learned counsel for the petitioner that notwithstanding the orders of Civil Court, the private respondents are continuing to threaten the petitioners. It is further submitted that the Officer-in-Charge, Gazole Police Station has not taken any steps notwithstanding directions from Civil Judge (Junior Division), 2nd Court, Malda.

This Court is of the clear view that a writ Court cannot ordinarily be a forum to seek execution of an order of a Civil Court.

Learned counsel for the State submits that status quo as on date of the order upon the police, is being maintained as of now.

Counsel for the State Mr. Banerjee also submits that proceedings have been initiated under the provisions of the Cr. P.C. and IPC against the private respondents and a charge sheet has also been filed before the Court concerned.

It is made clear that in the event, the Civil Court decides that the land of the petitioners has been encroached by the private respondents, the respondents may approach the Civil Judge (Junior Division), 2nd Court, Malda, to pass appropriate orders and the Officer-in-Charge, Gazole Police Station shall carry out the same in accordance with law.

The Officer-in-Charge, Gazole Police Station shall also, if prayed for by the petitioners, provide security and police presence at the disputed site at the cost of the petitioners.

With the aforesaid directions, WP 4344 of 2021 is disposed of.

The petitioner shall communicate a copy of this order to the private respondents.

Urgent photostat certified copy of this judgment, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)