

**AZGAR SEIKH & ANR.VS. THE STATE OF
WEST BENGAL & ORS.**

Mr. Dipankar Mondal
..for the petitioners

This revisional application has been filed praying for expeditious disposal of Title Execution Case No. 6 of 2004, pending before the learned Civil Judge, Junior Division, 3rd Court, Krishnagar, District Nadia.

It is submitted that this is a suit for declaration and injunction filed by the petitioners against the State of West Bengal, represented by the Collector.

Records reveal that in the execution case an order was passed upon the opposite parties/defendants/judgment debtors for ascertaining the market value of the suit property for payment of compensation amount.

It is submitted that the opposite parties being the State authorities have not challenged the said order before any higher forum. It is further submitted that the learned Court below allowed adjournment to the judgment debtor and hence the payment was being delayed in terms of the decree and also on the basis of the order passed in execution.

This Court has not gone into the merits of the claim of the petitioners or entitlement of the petitioners in the execution case but is of the opinion that the title execution case should be disposed of expeditiously in accordance with law. The pendency of the Title Execution case and adjournment allowed has caused unnecessary delay.

Thus, this revisional application is disposed of directing the learned Court below to dispose of the title execution case expeditiously and positively within a period of four months from the next date fixed.

The learned Court below shall proceed independently and in accordance with law without being influenced by any observation made herein above and without granting unnecessary adjournments.

This revisional application is disposed of.

The petitioners are directed to serve copies of the revisional application along with server copy of this order upon the opposite parties and the learned Advocate for the opposite parties in the learned Court below within a week from date.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

