

WPA 11205 of 2021
(Through Video Conference)

Sri Tamal Kanti Guha, alias Damodar Guha & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Arjun Samanta
..for the petitioners

Md. Galib
Mr. Anubrata Santra
..for the State

The writ petitioner complains that notwithstanding the order of injunction dated 4th August, 2020 passed in T.S. No. 142 of 2020 by the learned Civil Judge (Jr. Dvn.), Sealdah, the respondents are continuing to interfere with the possession of the petitioner.

Learned Counsel for the private respondents submits that his clients who are in possession of property are recorded thika tenants. Counsel for the petitioner disputes the same.

Learned Counsel for the State, Md. Galib submits that the police have taken time before the Executive Magistrate to submit report in the proceedings under Section 144 (2), Cr.P.C. taken out by the petitioner. Since this Court cannot decide as to who is in possession of the property, the issue is left for decision in the pending civil suit or any other civil proceeding in accordance with law. This Court does not find any inaction on the part of the police in the instant case.

The writ petition is dismissed.

There shall, however, no order as to costs.

Letter issued by the Officer-in-charge Maniktala P.S. dated 20.07.2021 is kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)