

17.08.2021
Item no.64

Aloke
Ct. no.13

Through Video Conference

W.P.A. 12224 of 2021

**Suvra Halder
Versus
The State of West Bengal & Ors.**

Mr. Sounak Bhattacharya, Advocate
Mr. Somnath Mandal, Advocate
... for the petitioner
Mr. Subhabrata Datta, Advocate
... for the State
Mr. Anjan Dutta, Advocate
Mr. Tamal Ghosh, Advocate
... for the respondent nos. 5, 6 and 7

The writ petitioner is aggrieved that, despite having a decree of a civil court in his favour, the private respondents entered into her property and have demolished the boundary wall constructed by her. The writ petitioner seeks intervention of the police in helping her to construct boundary wall and prevent the private respondents from entering into her property. It is also submitted that private respondent no. 5 is an employee of the State police and is discouraging the respondent no. 4 from taking step in the matter.

Having heard rival contention of the parties, this Court is of the view that the remedy of the petitioner was in execution of the civil decree that she has obtained against the private respondents.

The respondent no. 5 is not a party to the said civil suit. The decision of the Supreme Court in the case of **P.R.**

Murlidharan & Ors. vs. Swami Dharmananda Theertha Padar & Ors. reported in **(2006) 4 SCC 501** has no application in the facts of the case.

The officer-in-charge, Canning P.S. shall however to ensure that there is no breach of peace in the area and shall maintain regular vigil thereat.

With the above observation, W.P.A. 12224 of 2021 is disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)