

26.08.2021.
Item No. 146.
Court No.13
ap

**W.P.A. No. 12635 of 2021
(Through Video Conference)**

**Gosta Bihari Dalapati
Versus
The State of West Bengal & Ors.**

Mr. Bhaskar Chandra Manna.
..For the petitioner.

Mr. Jahar Lal De,
Mr. Abdus Salam.
...For the State.

Mr. Radhasyam Maiti,
Mr. Monoranjana Jana.
...For the private respondents.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner and the private respondents
are brothers. There is an acrimonious dispute with
regard to certain land.

The petitioner claims to have obtained a
permanent injunction against the private respondents
in Title Suit No. 4 of 2013 by the learned Civil Judge
(Junior Division), Kakdwip, South 24 Parganas.

Counsel for the petitioner submits that his client
is unable to freely access his land out of fear and
threat by the private respondents.

A complaint has been lodged with the Police
Station on 22nd July, 2021 and the writ petition was
filed immediately thereafter.

This Court is of the view that the remedy of the
petitioner is to seek execution of decree of permanent

injunction in the Civil Court. Counsel for the private respondents submits that the said decree is pending challenge.

In any event, the Officer-in-charge, Gangasagar Coastal Police Station shall ensure that there is no breach of peace in the area.

The Officer-in-charge has submitted a report dated 20th August, 2021 in the form of instructions to the learned Government Pleader. The same is taken on record.

In view of the above, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)