

24-03-2022
ct no. 13
Sl. 27
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**WPA 986 of 2021
(Through Video Conference)**

Md. Abul Basar Khan
-Versus-

The State of West Bengal & Ors.

**Mr. Lahit Mohan Mahata, Id. Sr. Govt. Adv.
Mr. Prasanta Behari Mahata
....for the petitioner**

The writ petitioner is aggrieved that a plot of land, that has been decreed in his favour by the learned Civil Judge (Jr. Div.), 2nd Court, Diamond Harbour, South 24 Parganas is being illegally occupied by the local panchayat committee and certain other persons.

It appears from the records that a decree dated February 20, 2020 was passed in T.S. No. 218 of 2015, CIS No. 976 of 2016 (Abul Basar Khan vs. Mannan Khan and Ors), in favour of the petitioner revoking a gift deed.

It is submitted that notwithstanding the decree the property is being illegally occupied.

This Court is of the view since the Civil Court had decided the right, title and interest of the petitioner in respect of the said plot of land, his remedy would lie in seeking execution of the decree in question under the provisions of the Code of Civil Procedure, 1908.

With the aforesaid observations, the writ petition 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.)