

27.01.2022
Court No.13
Item No.8
AP

WPA 942 of 2020

**Renubala Majhi
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Debasis Sur
Mr. Mrinmoy Chatterjee
Mr. Harekrishna Halder

... for the Petitioner.

Mr. Suman Sengupta
Mr. Sanatan Panja

... For the State.

Despite service, private respondents are not represented.

The writ petitioner has obtained a decree in T.S. No. 349 of 1975 on 6th June, 1977, which has not been put in execution till date.

The private respondents filed an independent suit being T.S. No.50 of 2014 inter alia claiming that the decree obtained by the writ petitioner is a nullity. The suit is pending.

The writ petitioner claims that the private respondents, notwithstanding pendency of the suit, are obstructing and non-complying with the possession of the property of the writ petitioner.

Learned counsel for the State has produced a report in the form of instructions dated 02.02.2021 issued by the Inspector of Police, Ramnagar Police Station, Diamond Harbour Police District addressed to

the learned Government Pleader and the same is taken on record.

Learned counsel for the State submits that in respect of the three complaints filed by the parties against one another, charge-sheet has already been filed.

This Court is of the view that the Ramnagar Police Station have nothing to do in the matter since the main dispute is private and civil in nature and pending before the Civil Court. The remedy of the writ petitioner is to obtain appropriate interim or final reliefs from the Civil Court inter alia in the civil proceedings.

The Officer-in-Charge, Ramnagar Police Station shall, however, ensure that there is no breach of peace in the area.

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.)