

01.08.2022
Sl. No.327(ML)
srm

W.P.A. No. 1326 of 2020

Mahammad Ali Gayen

Versus

The State of West Bengal & Ors.

Mr. Saunak Bhattacharya,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mandal

...for the Petitioner.

Mr. Santanu Kumar Mitra,
Mr. Mirza Kamruddin

...for the State-respondents.

Mr. Soujanya Bandyopadhyay

...for the Respondent No.4.

Affidavit-of-service is taken on record.

The writ petition is disposed of with a direction upon the Officer-in-Charge, Kultoli Police Station, to ensure that the petitioner is entitled to enjoy the property in terms of the decree passed by the learned civil court dated May 3, 2018, unless such decree has either been stayed or reversed or set aside by the superior court. The police authority shall ensure that breach of peace does not take place and law and order is maintained.

With regard to the right, title and interest of the petitioner, the same has already been decided by the learned

civil court, and if the decree still subsists in law, rival claim to title shall not arise.

The Court has not decided on the right of the respondent No.4 in this regard and the respondent No.4 is at liberty to proceed against the said *ex parte* decree in accordance with law.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)