

S/L 36
09.06.2022
Court. No. 19
GB

WPA 2166 of 2022

Bijay Kumar Singha Roy
VS
The State of West Bengal & Ors.

*Mr. Tauhid Khan,
Mr. Sirsendu Sinha Roy.*

...for the Petitioner.

*Mr. Sirsanya Bandopadhyay,
Mr. Subhendu Sengupta.*

...for the State.

Affidavit-of-service and the police report filed in Court today, be kept with the record.

Despite service, none appears on behalf of the respondent nos.9 to 12.

The petitioner submits that he is a decree-holder in respect of two rooms situated at L.R. Dag No.90 of Mouza-Khanro, J.L. No.57 pertaining to L.R. Khatian No.42 under Police Station – Memari,.

The petitioner got a decree for recovery of khas possession against the defendant in a civil suit. The defendant was directed to vacate the said rooms within sixty days. In default, the petitioner was allowed to put the decree into execution. Accordingly, the petitioner filed Title Execution Case No.2 of 2021 on January 13, 2021. The petitioner submits that the respondent nos.9 to 12 have failed and neglected to hand over the vacant possession of the two rooms. The petitioner prays for police help for execution of the decree.

The remedy of the petitioner lies before the learned executing court. The execution case is pending between the parties. No orders can be passed.

The petitioner is at liberty to approach the learned Civil Judge (Junior Division), 3rd Court at Bardhaman for necessary orders in the execution case, upon notice to the respondent nos.9 to 12. If such application is made, the same shall be disposed of expeditiously and in accordance with law. This court has not expressed any opinion with regard to either the decree or the execution case.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)