

02.08.2022
Court No. 19
Item no.385
CP

W.P.A. No. 8910 of 2021

Dodhi Baman Deb Thakur represented by its
Sebayits namely Smt. Lily Mukherjee & ors.

Vs.

The State of West Bengal & ors.

Mr. Manas Kumar Das

...for the petitioner.

The petitioner will approach the Superintendent of Police, Murshidabad with his prayer for execution of the decree of the civil court.

It appears that the learned civil court in the Title Execution Case No. 6 of 2013, arising out of Title Suit No. 17 of 2010 filed before the learned Civil Judge (Senior Division), Additional Court, Berhampore, had passed an order for execution through police help. Such order was passed in connection with an application for removal of the resistance of some persons who asserted a rival claim. It is submitted by the petitioner that these persons who had set up a rival claim in respect of the property in question, neither approached the civil court nor the executing court by filing proper application. The police cost has already been paid by the petitioner long time ago.

There is an order of this court dated December 3, 2018 passed in WP 15169(W) of 2018, by which

the police authorities were directed to execute the decree within 48 hours from the communication of the order by providing sufficient armed police in the presence of the Superintendent of Police, Murshidabad. It is submitted that despite such order, the police authorities have not rendered any assistance.

Under such circumstances, the petitioner shall approach the Superintendent of Police, Murshidabad with his prayer for implementation of the order passed by this court and also by the civil court and the police authorities shall take appropriate steps in accordance with law, unless the party who is allegedly resisting such execution can show that the order passed by the civil court or by the executing court had been either stayed or set aside. The Superintendent of Police shall issue necessary orders. If the prayer of the petitioner cannot be granted, necessary orders will be passed by the said authority.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)