

25.11.2022
Court No.13
Item No.416
sp

WPA 10202 of 2021

Gouranga Maity
Vs.
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal,
Ms. Poulomi Chakraborty
...for the petitioner

Despite service of notice, respondents are not represented.

Counsel for the petitioner submits that by a decree dated April 11, 2019 passed in T.S. No. 183 of 2011 (Birendra Nath Maity Vs. Gouranga Maity & Anr.), by the learned Civil Judge (Junior Division), 3rd Court, Paschim Medinipur, the Schedule-A to the suit property has been recognized in favour of the private respondents.

The petitioner is effecting construction over Schedule-B property. It is submitted that notwithstanding the above, the private respondents are obstructing peaceful enjoyment of the Schedule-B property.

In those circumstances, the Officer-in-Charge, Pingla Police Station, Paschim Medinipur, shall ensure that there is no breach of peace in the area and the petitioner is not, in any way, disturbed by the private respondents.

In the event of any dispute with regard to the demarcation between Schedule-A and Schedule-B property, the parties may approach the Civil Court in question either in the suit already decreed or in any other fresh proceeding in accordance with law. The petitioner may also seek execution of the decree he has obtained.

With the aforesaid observations, the instant writ petition shall stand 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.)