

28.11.2022
Court No.13
Item No.395
AP

WPA 12105 of 2021

**Tushar Patary and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Kapil Chandra Sahoo
... For the petitioners.

Mr. Subhabrata Datta
Mr. Abdus Salam
... For the State.

Mr. Sounak Bhattacharya
Mr. C.N. Sarkar
... For the respondent Nos.4 to 7.

The petitioners seek enforcement of a decree passed on 16th April 2016 by a Civil Court in T.S. No.23 of 2015. A Coordinate Bench in earlier order dated 2nd September 2021 directed the private respondents to be present in Court.

This Court notes that the remedy of the petitioners is to seek execution of the decree of declaration and injunction obtained by them.

Counsel for the private respondents submits that they have applied under Order 9 Rule 13 of the Code of Civil Procedure.

The parties shall ensure that there is absolutely no breach of peace in the area.

Learned counsel for the State has produced a report in the form of instructions issued by the

Inspector-in-Charge, Kultali Police Station addressed to the learned State Advocate and the same is taken on record.

It appears from the report that Kultali Police has registered a case being Kultali Police Station Case No.378/21 dated 4th August 2021 under Sections 188/506/34 of the IPC and investigation is on.

Let the investigation be completed as expeditiously as possible preferably within a period of two months from date and final report be submitted before the concerned Magistrate.

In the meantime, the police as well as the parties shall abide by any order that may be passed by the Civil Court in the matter.

With the aforesaid directions, the writ petition is disposed.

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.)