

14.09.2022
Court No.13
Item No.58
AP

WPA 12752 of 2022

**Shankari Das
Vs.
The State of West Bengal & Ors.**

Mr. Tulsi Das Maiti
Mr. Pradip Kumar Ghosh

... For the Petitioner.

Mr. Nilotpal Chatterjee
Ms. Piyali Sengupta

... For the State.

Mr. Aniruddha Chatterjee
Mr. Sounak Bhattacharya
Mr. Sumitava Chakraborty
Mr. Sounak Mondal

... For the Respondent Nos.5 to 8.

Counsel for the State has produced a charge sheet dated 28th January 2022 under Sections 447/506/34 of the IPC against the private respondents and a copy of the same is taken on record.

Let a copy of the aforesaid charge sheet be made available to the parties.

The petitioner has a remedy to seek re-execution of the decree in accordance with law.

Mr. Chatterjee, learned counsel for the respondent Nos.5 to 8, cited a judgement dated 12th July 2022 of a Division Bench of this Court in MAT 683 of 2022 (**Swati Das Vs. The State of West Bengal and Ors.**) with reference to an unadjudicated dispute between to private parties. It was held that a Writ

Court should not enter into private disputes between the parties.

In the instant case, there is an adjudication of the rights of the writ petitioner by a competent Court in a regular civil proceeding.

In these circumstances, this Court is of the view that the aforesaid decision **(Swati Das Vs. The State of West Bengal and Ors.)** may not have application in the instant case.

With the aforesaid observations, the writ petition is 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.)