

05.09.2022.
Court No.13
Item No. 14
ap

W.P.A. No. 15864 of 2022

**Maya Das
Versus
The State of West Bengal & Ors.**

Mr. Chayan Gupta,
Mr. Rittick Chowdhury.

...For the petitioner.

Mr. Debasish Ghosh,
Mr. Domingo Gomes.

...For the State.

Mr. Rajdeep Bhattacharya,
Mr. Arindam Kundu.

...For the respondent nos. 5 & 6.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner complains that Netaji Nagar Police
Station is not complying with the order of the learned
Civil Judge (Junior Division) 1st Court, South 24
Parganas at Alipore in Title Suit No. 1541 of 2008. The
said suit has been decreed and the decree is pending
challenge in appeal. There is no stay till today.

The petitioner has deposited costs for
compliance by the police, of an order directing the
order of the Civil Court for the Bailiff to grant
possession to the petitioner in terms of the decree.

It is submitted that Netaji Nagar Police station is
not taking steps to deliver such possession.

It further appears that nine orders have been passed directing the police to render assistance and delivery of possession of the property to the petitioner.

A separate suit in respect of Tea Stall in the premises is pending and there is an order of injunction in respect of the said Tea Stall. There is some dispute with regard to the property to be delivered under the decree.

Counsel for the petitioner, Mr. Gupta, submits that there is absolutely no dispute and applications under Sections 151 and 47 of the Code of Civil Procedure made by the judgment debtor are frivolous.

This Court cannot enter into the said issues. However, this Court is inclined to direct the Civil Court to dispose of all the pending applications of the judgment debtor mandatorily and positively within a period of seven days from date of receipt of a copy of this order.

No adjournment whatsoever shall be given to any of the parties. Upon the Civil Court clarifying the scope of the direction on the Bailiff to deliver possession, the Officer-in-charge, Netaji Nagar Police Station shall effect delivery of the property mandatorily and positively within a period of 48 hours thereof.

The costs of police protection already deposited shall be adjusted towards the same and any further

payment that may be raised by the police, may be paid thereafter.

Netaji Nagar Police Station shall act on the basis of a communication of the Civil Court's order by the Counsel for either of the parties.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)