

06.09.2022
Court No.13
Item No.85
AP

WPA 16339 of 2022

**Tapas Kumar Bhowmik
Vs.
The State of West Bengal & Ors.**

Mr. Soumik Ganguli

... For the Petitioner.

Mr. S. Mukhopadhyay

... For the Private Respondents.

The petitioner complains that the private respondents brothers and their family members are preventing him from entering into his joint family premises.

The property has been partitioned in the form of a preliminary decree in Title Suit No.334 of 2016 by the learned Civil Judge (Senior Division), 3rd Court at Howrah.

Counsel for the private respondents submits that his clients have never restricted or objected to the petitioner going back to his premises. The fact that however remains is that a final decree is yet to be passed.

In view of the submissions made by the counsel for the private respondents, the petitioner may freely enter into the premises as usual. The partition, however, must strictly abide by the

preliminary and final decree that the Civil Court may pass in accordance with law.

The Officer-in-Charge, Jagacha Police Station shall, with due care and caution, ensure that both the parties are able to live in peace in the said premises and abide by any decree or order that may be passed by the Civil Court in the pending suit.

With the aforesaid directions, 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.)