

07.09.2022
Court No.13
Item No.563
AP

WPA 16354 of 2022

**Moumita Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Tanmay Basu

... For the Petitioner.

This matter was listed yesterday. The counsel for the private respondent Nos.4 and 5 were to obtain instructions regarding the circumstances under which they have come to illegally occupy the petitioner's premises.

The private respondents are not represented despite assurance yesterday.

It was submitted that the late husband of the private respondent Nos.4 had lent sums of money to the petitioner's husband and also had business relations with him.

It was further submitted that upon failure of the petitioner's husband to repay the loan in question, the private respondent No.4 has occupied the premises of the petitioner.

This Court is of the view that the remedy of the private respondents against the petitioner's husband is before a Civil Court to seek recovery of loans and only in execution of any decree, she may obtain the property of the petitioner in accordance with law. There is, even otherwise, serious doubt as to whether the private respondents can occupy and enter into the petitioner's property.

In those circumstances, the private respondents shall forthwith leave the petitioner's property and the Officer-in-Charge, Baranagar Police Station shall ensure compliance of this order.

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.)