

03.01.2022.
Court No.13
Item No. 21
ap

**W.P.A. No. 17260 of 2021
(Through Video Conference)
Sri Abanindra Nath Garain
Versus
The State of West Bengal & Ors.**

Mr. Sougata Mitra,
Ms. Ankita Dey,
Ms. Jahanara Begum,
Mr. Rameshwar Sinha.

...For the petitioner.

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick.

...For the State.

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

The writ petitioner complains of inaction of
police despite a complaint dated 25th August, 2021 to
the Joypur Police Station.

It is submitted that the petitioner has obtained a
decree in respect of the property on 28th February,
2020 from the learned Civil Judge (Senior Division),
Purulia in Title Suit No. 156 of 2017.

It is submitted that despite the said decree, the
police have not taken any steps in this regard. It is
further submitted that since after receipt of the writ
petition, the police have registered an FIR.

Counsel for the State submits that an FIR has
been registered in respect of the petitioner's complaint
being Joypur Police Station Case No. 119 of 2021

dated 30th November, 2021 under Sections 447/323/506/34 of the Indian Penal Code.

This Court is of the view that the remedy of the petitioner is in seeking execution of the aforesaid decree dated 28th February, 2020 and it is only upon the direction of the learned Executing Court that the police should render assistance in removing the private respondent.

The Officer-in-charge, Joypur Police Station shall, however, continue to maintain strict vigil in the said area and ensure that there is no breach of peace.

Hence, 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.)