

19.09.2022.
Court No.13
Item No. 36
ap

W.P.A. No. 18753 of 2022

**Sri Biswajit Das
Versus
The State of West Bengal & Ors.**

Mr. Supratim Dhar,
Mr. Tirupati Mukherjee.

...For the petitioner.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De.

...For the State.

Ms. Tanusri Chanda.

...For the respondent no.9.

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

The petitioner is aggrieved that the private
respondent no.9, a Club, is encroaching upon their
property.

The petitioner had obtained a decree from the
Civil Court which has been confirmed till appeal. The
remedy of the petitioner is to seek execution of the
decree he had obtained.

Counsel for the private respondents submits
that they were not parties to the suit and hence not
bound by the decree. This Court cannot enter into the
civil disputes between the parties. The said disputes
are in any event pending before a Civil Court.

Counsel for the Nabadwip Police Station submits
that they have taken out proceedings under Sections

107 and 116 of the Code of Criminal Procedure based on a complaint of the petitioner. Nabadwip Police Station shall not enter into the same unless there are specific directions of a Civil Court.

The police shall, however, ensure that there is absolutely no breach of peace in the area.

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

The report in the form of instructions of Inspector-in-charge, Nabadwip Police Station dated 25th August, 2022 addressed to the Government Pleader be taken on record.

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.)