

18.11.2022.
Court No.13
Item No. 49
pk

WPA 19646 of 2022

**Md. Sultan
Versus
State of West Bengal & Ors.**

Mr. Phiroze Edulji,
Mr. Lalratan Mondal

...for the petitioner.

Mr. Ansar Mondal,
Mr. Sougata Mitra
... for the State.

The writ petitioner is aggrieved that he has been evicted from a property by the Officer of the New Market Police Station. The O. C., New Market Police Station has filed instructions addressed to State advocate dated 17.11.2022 indicating that the petitioner was evicted pursuant to decree passed by the learned Chief Judge, Presidency Small Causes Court at Calcutta and execution thereof in Execution Case No. 44 of 2015.

Counsel for the petitioner submits that his client has already filed civil suit before the City Civil Court at Calcutta being T. S. No. 636 of 2022.

It is also submitted that the Executive Magistrate by an order dated 12.04.2022 found that the writ petitioner is a lawful tenant in respect of the property.

Since the petitioner was evicted under a decree of a civil court, this Court finds there is no

inappropriate action on the part of the New Market Police Station. However, the writ petitioner may take steps in accordance with law.

The writ petition is 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.)