

07.03.2022.
Court No.13
Item No. 49
ap

**W.P.A. No. 20861 of 2021
(Through Video Conference)**

**Nagen Das
Versus
The State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee,
Mr. Saptarshi Chakraborty,
Mr. Arghya Kamal Das.

...For the petitioner.

Mr. Animesh Mukherjee,
Md. Ali Ahasan.

...For the State.

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

The writ petitioner is aggrieved by the fact that
in spite of complaint of inaction, Nalhati Police Station
is not rendering assistance.

It is submitted that the petitioner is a patta
holder in respect of plot of land which is the subject
matter of Title Suit No. 23 of 2020 now pending before
the learned Civil Judge (Junior Division) 2nd Court,
Rampurhat, Birbhum. It is further submitted that the
said Civil Court has ordered injunction on 24th
January, 2020 to restrain the private respondents
from any way disturbing the petitioner's peaceful
possession.

The petitioner complains that the private
respondents are violating the same and despite the
notice, the Officer-in-charge, Nalhati Police Station is
not taking any steps.

This Court is of the view that the remedy available to the petitioner is to seek enforcement of the order of the learned Civil Judge (Junior Division) 2nd Court, Rampurhat, Birbhum dated 24th January, 2020, inter alia, under the provisions of Order 39, Rule 2A of the Code of Civil Procedure, 1908.

However, Officer-in-charge, Nalhati Police Station shall ensure that there is absolutely no breach of peace in the vicinity of the petitioner's land and strict vigil shall be maintained thereat.

In the event, that there is any order for police protection or enforcement by the said order of the learned Civil Judge (Junior Division) 2nd Court, Rampurhat, Birbhum, the Officer-in-charge, Nalhati Police Station shall strictly comply with the said order in accordance with law.

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

There will 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.)