

07.03.2022.
Court No.13
Item No. 50
ap

**W.P.A. No. 21005 of 2021
(Through Video Conference)**

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

Mr. Dev Ranjan Das.

...For the petitioner.

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick.

...For the State.

Mr. Ratul Biswas,
Mr. Ishan Bhattacharya.

...For the respondent no.6.

The writ petitioner complains that the private respondents are interfering with the peaceful possession of his property.

It is submitted that a civil suit being Title Suit No. 109 of 2012 is now pending before the learned Civil Judge (Junior Division) 2nd Court, Uluberia. It is further submitted that the Civil Court has ordered injunction on 30th November, 2021.

The petitioner complains that the private respondents are continuing to interfere with his possession, notwithstanding the above.

Counsel for the private respondents submits that the land in question does not belong to the petitioner and belongs to his clients.

In that view of the matter, the remedy of the petitioner lies in seeking to enforce the order of the

Civil Court, inter alia, under the provisions of Order 39, Rule 2A of the Code of Civil Procedure, 1908.

However, Officer-in-charge, Shyampur 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, the Civil Court directs, the Officer-in-charge, Shyampur 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.)