

31-10-2022
ct no. 13
Sl. 8
sp

WPA 22357 of 2022

Sree Sree Ananda Moyee Dakshina Kalimata
Thakurani & Ors.

-Versus-

State of West Bengal & Ors.

Mr. Arif Ali

.....for the petitioners

**Mr. Raja Saha, Id. Sr. Govt. Adv.,
Ms. Piyali Sengupta**

...for the State

Affidavit of service filed in Court today is
taken on record.

Despite service of notice, private
respondents are not represented.

The petitioner no.1 is the deity and the
petitioner nos. 2 and 3 are the sebaits. In Title
Suit No. 8188 of 2012, a receiver has been
appointed at the instance of the petitioner no.1 by
the learned Civil Judge (Sr. Division), 10th Court,
Alipore to collect rent from the stall owners of
Nepalgunj Hut, which is a debutter property of the
petitioner no.1.

The order has been confirmed from time-to-
time as also by this Court on September 12, 2022.
The Civil Court has also granted police help for the
purpose of implementation of this order.

Mr. Raja Saha, learned counsel for the State submits that in respect of earlier obstruction by the private respondents, the complaints have been received from the petitioner. FIRs have been registered and two several charge sheets have been filed.

There is therefore evidence before this Court that the private respondents are obstructing the enforcement of the Civil Court's order above.

In those circumstances, the Officer-in-Charge, Bishnupur Police Station shall, continue to render all and every assistance to the Special Officer appointed by the Civil Court, to collect rent.

There is also prima facie evidence of the illegal conduct of the private respondents. The police are expected to take coercive measures in the event of any further obstruction, by the private respondents, in the Special Officer carrying out the order of the Civil Court. Such coercive measures shall include arrest and detention of the private respondents.

The S.P., Diamond Harbour, shall consider the claim of the petitioners for posting a police picket after independently assessing the conduct of the private respondents and the threat perception to the Special Officer and the

petitioners. There is substantial evidence before this Court of such threat perception.

The cost of any police picket shall be borne by the petitioners and shall abide by the result of the aforesaid cases.

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

There shall 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.)