

27.01.2022
Court No.13
Item No.7
AP

WPA 21476 of 2019

**Sukumar Mondal
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Siddhartha Sarkar

... for the Petitioner.

Mr. Santanu Kr. Mitra

... For the State.

Mr. Ejaz Khan

Mr. Pradip Kumar De

... For the Private Respondent.

The writ petitioner claims to have obtained decree in TS No.84 of 2011 in which a counter-claim filed by the private respondents has also been dismissed. It is submitted that the said decree has been affirmed by an Appellate Court and no second appeal has been filed therefrom.

Learned counsel for the petitioner submits that notwithstanding the aforesaid and despite the complaint with the Nischinda Police Station, no steps have been taken to assist the petitioner in constructing a boundary wall in view of the obstruction by the private respondents.

Learned counsel for the State has produced a report in the form of instructions dated 30.08.2021 issued by the Officer-in-Charge, Nischinda Police Station, Howrah Police Commissionerate addressed to the learned State Advocate and the same is taken on record.

This Court is of the view that the petitioner's remedy is not to approach the police but to seek execution of the decree that he has obtained if otherwise maintainable. There is no inaction on the part of the police.

With the aforesaid observations, the writ petition is 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.)