

S/L 149
27.06.2022
Court. No. 19
GB

WPA 24333 of 2019

Ajay Kumar Ghosh
VS
The State of West Bengal & Ors.

*Mr. Keshab Chandra Das,
Ms. Aparajita Mondal,
Mr. Biplab Adak.*

...for the Petitioner.

*Mr. N.C. Bihani,
Ms. P.B. Bihani.*

...for the State.

*Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Mr. D. Ganguly,
Mr. K. Bhattacharya.*

...for the Respondent No.4.

Affidavit-of-service filed in Court today, be kept with
the record.

The petitioner has alleged inaction of the Officer-in-Charge, Dhaniakhali Police Station. According to the petitioner, by an order of this Court dated February 8, 2018, the possession of the petitioner was protected. It is alleged that, violating such order the respondent no.4 was disturbing the petitioner. Accordingly, a complaint was lodged on December 16, 2019 before the concerned police station. The petitioner alleges that the police authorities did not take any steps. Hence, the writ petition has been filed.

Mr. Mukherjee, learned advocate appearing on behalf of the respondent no.4 submits that the order dated February 8, 2018 was modified by a subsequent order of this Court. The factum of possession of the respondent no.4 over the disputed property on the basis of execution of a decree passed in the preemption case, has been recorded.

Accordingly, no orders can be passed in the writ petition, in view of the fact that the respondent no.4 has been in possession of the property since the decree was executed. Reliance has also been placed on an order passed by the learned executing court in this regard, dated September 1, 2018 recording that the respondent no.4 had been put in possession in satisfaction of the decree. The parties were directed to maintain status quo.

The parties will continue to maintain status quo in view of the subsequent order passed in the civil revisional application.

Accordingly, the writ petition is disposed of.

This order will not have any impact on the merits of the civil revisional application, which is still pending.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)