

13.04.2023
Item No.10
Ct. No.1
PG/KS

M.A.T.239 of 2023

Tuli Das & Ors.
Vs.
State of West Bengal & Ors.

1. This intra court appeal at the instance of the private respondent in the writ petition is directed against the order dated 24th January, 2023 in W.P.A. No.900 of 2021 by which the Learned Single Bench directed the Inspector of Police, Kotwali Police Station to execute an order and evict the private respondent and all other unauthorized occupants from the public land immediately and sufficient police force was also directed to be deployed.
2. The appellants would contend that no original proceeding had been initiated before any order of eviction was passed and the learned Judge passed the order to execute it when the statute provides for detailed procedure for enforcement of the order passed by the learned Magistrate. The order impugned, therefore, calls for interference. Furthermore, even in the impugned order, the learned Writ Court notes that a title suit is also pending.

3. In the light of the above, the order impugned shall remain stayed till the disposal of the appeal.
4. The appellants shall put in requisites/postal cost for service of notice of appeal on the respondents within a week.
5. The appellants are given liberty to prepare and file requisite number of informal paper books printed, typewritten or cyclostyled, as the case may be, out of Court, within a period of four weeks from date of service of notice of appeal.
6. Liberty is given to the appellants to mention the appeal for early hearing after it is made ready.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)