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03.10.
2023
Ct. No.14

WPA 21385 of 2023

**Smt. Sumana Chakraborty
Vs
The State of W. B. & Ors.**

**Mr. Partha Chakraborty
Ms. Poulomi Dutta
Ms. Kaushani Majumdar
.....For the Petitioner**

**Mr. Suman Sengupta
Ms. Amrita Panja Mallick
.....For the State**

**Mr. Shibaji Kumar Das
.....For the Respondent Nos. 5, 6 and 7**

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that despite an *ex parte* decree being granted in favour of his client in connection with a car parking space, the private respondents are preventing the petitioner from parking her care there. In fact, initially the private respondents have participated in the civil suit and thereafter, decided not to appear.

Learned counsel appearing on behalf of the State submits that an *ex parte* decree is indeed there. However, learned civil court did not pass any further order to ensure compliance of the earlier order.

Learned counsel appearing on behalf of the private respondents submits that a recalling

application has been filed before the learned civil court.

It appears that as of now there is a decree declaring that the petitioner is the owner of the car parking space in question. Till the same is set aside or stayed, the petitioner has every right to park her car in the said parking space.

If the private respondents want to object, it is to be done before the concerned civil court and not by use of force.

If the petitioner still finds any difficulty to use the car parking space, she shall have the liberty to ask for police help in this regard.

Police authorities shall also ensure that no breach of peace takes place and no civil court's order is violated.

With these observations, the writ application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

