

30.03.2023
Court No.13
Item No.18
AP

WPA 24536 of 2022

**Gulal Bibi and Ors.
Vs.
The State of West Bengal and Ors.**

Mr. Pijus Kanti Khanra
Mr. Uttam Banerjee
Mr. Somnath Khanra

... For the Petitioners.

Mr. Subhabrata Datta
Mr. Bani Brata Datta

... For the State.

Mr. Satyam Mukherjee
Ms. Sayani Ahmed

... For the Respondent Nos.5, 6 & 7.

The petitioners seek intervention of the police to protect their rights under a decree dated 31st July, 2009 in Title Suit No.27 of 2002 and Title Suit No.80 of 2003 passed by the learned Civil Judge (Junior Division), 1st Court, Baruipur, South 24 Parganas as confirmed in Title Appeal No.41 of 2009 and Title Appeal No.42 of 2009 dated 22nd August, 2014 passed by the learned Civil Judge (Senior Division), Baruipur, South 24 Parganas.

Counsel for the petitioners would rely upon a decision of the Hon'ble Supreme Court in the case of ***P.R. Murlidharan & Ors. Vs. Swami Dharamanda Theertha Padar & Ors.*** reported in ***(2006) 4 SCC 501.***

This Court is of the view that the facts and circumstances of the case before the Hon'ble Supreme

Court are quite different from the instant case. The Hon'ble Supreme Court was dealing with an interim order passed by a Civil Court that was sought to be enforced in the writ petition.

It is now well settled that the ratio of each decision must be looked at in the backdrop of the facts of such case.

This Court is of the view that the petitioners have effective alternative remedy to seek execution of the decree before the Civil Court. In the event the Civil Court passes any direction upon the Baruipur Police Station, the same shall be strictly complied with and enforced by them.

Reserving such rights to the petitioners, the writ petition is disposed of without any further orders.

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.)