

19.06.2023.
Court No.13
Item No. 242
ap

W.P.A. No. 26317 of 2022

**Bapi Naiya
Versus
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy,
Ms. Poulami Chakraborty.

...For the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Ganga Prasad Mukherjee.

...For the State.

1. The petitioner complains that the Kultali Police Station has not acted in terms of the order dated 13th February, 2020 by the learned Civil Judge (Junior Division) 3rd Court, Baruipur, South 24 Parganas passed in Title Suit No. 286 of 2018.

2. It appears from the records that by an order dated 16th July, 2018, the defendants were restrained from ousting the plaintiff from the suit property. On the question of construction, the plaintiff/petitioner was directed to furnish documents with regard to the house construction. There is no evidence before this Court as to whether such documents have been produced in the Court below or whether the order dated 16th July, 2018 was in any way modified to permit the petitioner to effect construction.

3. In those circumstances, the petitioner shall be at liberty to approach the Court below for appropriate orders.

4. Kultali Police Station shall ensure that there is absolutely no breach of peace in the area and strictly with comply with any order that may be passed by the Civil Court specifically on them.

5. With the aforesaid directions, the instant writ petition shall stand disposed of.

6. There will be no order as to costs.

7. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)