

M/L 4
04.12.2023
Court No.14
SD

WPA 25719 of 2023

Sk. Md Giasuddin
Vs.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee

...for the Petitioner.

Mr. Jayanta Samanta
Ms. Indumouli Banerjee

...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, none appears on behalf of the private respondent.

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

Learned counsel appearing on behalf of the petitioner submits as follows. A decree was passed in favour of the petitioner by a civil court for recovery of possession of a property. The Executing Court also passed an order for police help for recovery of possession. Necessary charges have already been deposited by the petitioner. However, on an earlier occasion when the date was fixed for recovery of possession, the private respondents and their antisocial accomplices created obstacles and the order could not be executed. The petitioner seeks adequate police arrangement so that recovery of possession can be taken peacefully.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. In respect of the

earlier incident, general diary has already been lodged. The police shall take adequate measures on the date, that is, on 06.12.2023 when the recovery of possession of the property will be attempted.

In view of the earlier incident as alleged, let the police authorities take sufficient precaution so that similar incidents are not repeated and the order of the civil court is executed properly. Among other things, the police shall post a picket of sufficient number of police personnel, some of whom shall be armed, from the previous night so that the order can be executed on 06.12.2023.

No further order need to be passed in this regard.

With these observations, WPA 25719 of 2023 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)