

19 02.02.2023
rkd Ct.13

W.P.A. 28350 of 2022

Sunil Shaw

-vs-

The State of West Bengal & Ors.

Mr. A. Halder,
Mr. M. Saha

....for the petitioner.

Mr. Rameshwar Sinha

....for the respondent no.6.

One Zubaida Hamid seeks to intervene in the instant case and claims to be the landlord of the premises.

The petitioner disputes the status of Zubaida Hamid and submits that his landlord is Rashida Hamid, a sister of Zubaida Hamid.

The Court notes that a decree has been obtained by Zubaida Hamid in Ejectment Suit No.39/05. The said decree has been put in execution.

In the said Execution No.10/2016 petitioner has filed Misc. case no.81/19 stating that the decree cannot be executed against him and a limited relief was given in the order dated 22nd September, 2022. The relief against eviction was conditional on the petitioner paying Rs.50,000/- as occupational charges.

It is seen that the police has sought to

interpret the order of the civil court that since occupational charges are not being paid by the petitioner, there is no stay on the eviction.

This Court finds it inappropriate on the part of the police to determine whether the stay is subsisting or not or if there is any default of any condition put in by the civil Court. This is a matter within the exclusive domain of the civil court.

The police shall act only on the basis of the specific orders from the Civil Court. The question of default or otherwise of the decree shall be decided by the Civil Court in which the proceedings are pending.

With the above directions, the writ petition stands disposed of.

However, 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.)