

11.07.2024
Ct. No. 14
Sl. No.15
AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 4042 of 2024

**Smt. Pramila Shee & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Iftekar Munshi.

... For the petitioners.

Mr. Ansar Mondal.
Mr. Asish Dutta.

... For the State.

The petitioners seek to act in accordance with the order passed by the learned Civil Judge (Junior Division), 1st Court, Uluberia in Title Suit No. 664 of 2022. By the said order the petitioners being the plaintiffs in the suit was permitted to carry out necessary repair work on the scheduled property under the supervision of the defendants.

Both the sides of the suit were directed to ensure that the nature and character of the scheduled property is not changed in any manner in the course of conducting the repairing work and the repairing work is to be conducted in presence of the learned advocate of both the sides.

The petitioners submit that in compliance of the direction passed by the learned Court, steps were taken for repairing but the same could not be done because of the resistance/obstruction by the private respondents.

Affidavit-of-service filed in Court today be kept with the records.

None appears on behalf of the private respondents.

Learned advocate representing the State respondents relies upon the instruction forwarded by the Uluberia PS dated 27.02.2024 which mentions that because of the disturbance caused by the private respondents and obstructing the petitioners in carrying out the repairing work, prosecution under Section 107 Cr.P.C. has been submitted against the private respondents vide Uluberia PS NCR No. 854 of 2023 dated 14th December, 2023. The police are maintaining peace and tranquility in the locality.

It appears from the documents annexed to the writ petition that the learned Civil Court has passed order and permitted the petitioners to carry on the necessary repairing work in presence of the learned advocate representing both the parties.

The order passed by the learned Court is liable to be complied with by all the parties.

Learned advocate representing the petitioners shall fix a mutually convenient date for doing the repairing work in terms of the order passed by the learned Civil Court.

The police are directed to ensure that the order passed by the Court is complied with and not violated by any party.

The writ petition stands **disposed of**.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)