

D/L 7
06.11.2024
Kausik
ct.no.35

W.P.A. 25068 of 2024

**Mukti Rani Pal and Anr.
Versus
State of West Bengal and Ors.**

Mr. Kumar Jyoti Tewari
Mr. Amrit Sinha
...for the petitioners.

Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Subhabrata Das
...for the State.

Petitioners are aggrieved by the Inspector-in-Charge, Nakashipara Police Station not considering their representation dated 28.08.2024. Petitioners submit that inspite of a decree being passed on 18.09.2019 by the learned Civil Judge (Junior Division) Additional Court, Krishnanagar, Nadia in TS No. 22/2011 and the final decree being drawn up on the same date, yet till date the petitioners are unable to enter the decreed property because of the act and action of the private respondent.

The representation reflects that the private respondent have been giving verbal threats, blocking their entry and causing significant hindrance for the petitioners to enter the area which the civil court has held in their favour.

Learned advocate for the state respondents opposes the contentions advanced and submits that the present writ petition is not maintainable.

As the civil court has already passed a decree in favour of the petitioners, police is duty bound to obey and respect such decree. In case the petitioners are restrained or are unable to enter the property, which is their share and has been demarcated by the learned civil judge, in that case, the police authorities would ensure that no breach of peace and tranquility takes place at the locale at the behest of the respondent no. 5.

This order will continue until and unless the same is varied by a higher forum or any other court of law.

Police authorities are further directed to keep a strict vigil so that no untoward incident happens at the locality.

Affidavit of service so filed be kept with the record.

With the aforesaid observations WPA 25068 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)