

05.04.2024
Court No.238
Item No.19
Pk/kc

WPA 24303 of 2023

**Sekhar Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Sekhar Biswas
... petitioner appearing in person

It appears that the writ petitioner or the plaintiff filed a title suit before the learned Civil Judge, Senior Division, 3rd Court at Alipore, South 24-Parganas seeking recovery of possession of a premises from Opposite Party No. 4, who was one of the defendants in the suit. Suit was dismissed by the learned Trial Court. The First Appellate Court decreed the suit. The second appeal preferred before this Court was dismissed. Hon'ble Supreme Court also on a Special Leave Petition Civil Appeal No. 3906 of 2013 did not interfere with the order of the High Court

It appears that the petitioner wants to execute the decree passed in his favour by the First Appellate Court.

The petitioner submits before this Court that he has filed Execution Case but respondent no. 4 has been dragging the execution case by filing one after another frivolous applications.

I cannot grant any relief to the writ petitioner. A decree of Civil Court cannot be executed by a Writ Court. Any frivolous application filed in connection with

Execution Case has to be decided by the Executing Court only in accordance with law.

It is, however, desirable that the Execution Case should be decided as expeditiously as possible.

With the aforesaid observation, WPA 24303 of 2023 is disposed of.

There shall, however, be no order as to costs.

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

(Kausik Chanda, J.)