

April 29, 2024
AD 17
Ct. No.14
SG

WPA 24547 of 2023

Ramchandra Das
vs.
The State of West Bengal and others

Mr. Md. A. Mandal	... for the petitioner
Mr. K.N. Nabi	
Mr. Nirmalya Roy	... for the State
Mr. Amitabha Ghosh	... for the respondent No.5

Learned advocates for the parties submit that in 2014 the respondent No.4 had passed away.

Accordingly, let the name of the respondent No.4 be expunged from the cause-title.

Report filed by the State is taken on record. The report shows that the respondent No.4 had passed away in 2014.

Learned advocate for the petitioner submits as follows. The petitioner is the owner of the land in question. The private respondents had been disturbing the possession and enjoyment of the property by the petitioner. The petitioner was constrained to file a civil suit. A decree was passed in TS No.29/14 by the learned Civil Judge, Senior Division, 2nd Court, Burdwan in favour of the petitioner. In spite of that the private respondents had continued to disturb the petitioner and had prevented him from entering into the property.

Learned advocate for the respondent No.5 denies the allegations and submits as follows. The private respondent is in possession of the property in question. The petitioner obtained a decree even against a dead person. No execution was attempted.

Learned counsel for the State relies on the report filed earlier and submits as follows. There is a civil suit pending between the private parties. Since 2012 the defendants and others had actually taken possession to the plots of land in question.

It appears that a civil dispute exists between the private parties. However, it is also reported that a decree has been passed in favour of the petitioner. Apparently it is against more than one defendant. According to the private respondent, one defendant had passed away in the meantime.

Therefore, it shall be open to the petitioner to get a decree executed in accordance with law.

No further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations made are deemed not to have been admitted.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

