

50 05.01.2024
NB Ct. 14

WPA 24602 of 2023

Bijoy Kumar Barui
Vs.
The State of West Bengal & Ors.

Mr. Lal Ratan Mondal,
Mr. Dilip Kumar Sadhu,
Mr. Avik Kumar Das.
...for the petitioner.

Mr. Wasim Ahmed,
Md. Shehabuddin.
....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The private respondent had been occupying a portion of the petitioner's property. The petitioner was granted a decree to evict the private respondent. However, the Executing Court has fallen vacant.

Learned counsel appearing on behalf of the State submits that unless an order is passed by the Executing Court directing the police to help vacate, the police are unable to act.

It is for the petitioner to approach the Executing Court when it is available for having necessary formalities done.

No case of police inaction is made out.

Accordingly, the writ petition is dismissed, however, without any costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

