

D/L28
26.11.2024
Bpg.
ct.no.35

W.P.A.27662 of 2024

**Sunil Kumar Das @ Sunil Das
Versus
The State of West Bengal & Ors.**

Ms. Sagarika Banerjee
Ms. Sarmishta Basak.
...for the petitioner.

Mr. Swapan Banerjee
Mr. Sougata Mitra.
...for the State-respondents.
Mr. Anirban Tarafder
Mr. Daniel Sarkar.
...for the respondent no.5.

Mr. Kaushik Gupta
Mr. Sohel Tudu.
...for the respondent no.6.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner is aggrieved by the fact that in
spite of direction of status quo passed in respect of
nature, character and possession of the schedule
property by the learned Civil Judge (Junior Division),
4th Court, Alipore, in Title Suit No.1356 of 2024, the
private respondents are continuing to harass the
petitioner as well as the police authorities are not
cooperating and/or adhering to the order passed by
the learned Civil Judge.

Learned advocate for the private respondents raises issues regarding the maintainability of the present writ petition and the prayers which have been canvassed in the writ petition.

Mr. Banerjee, learned advocate appearing on behalf of the State has also raised his concerns regarding the nature of the prayer advanced before this Court.

I have considered the submissions of the respective parties and I find that the enclosure includes the order of the Executive Magistrate. The Executive Magistrate has no authority to pass any order in respect of the right, title and interest of party to a litigation and the same is exclusive domain of the civil court. Petitioner has already approached the civil court and an order has been passed on 13th August, 2024. Petitioner will approach the civil court with specific prayers for police assistance for implementing its order. In case such an order is passed, the police authorities will respect and obey such order. In the meantime, police authorities would keep a strict vigil and would also ensure that no breach of peace and/or any untoward incident stems out because of the existing relationship between the petitioner and the private respondents.

With the aforesaid observations, WPA 27662 of 2024 is disposed of.

There will be no order as to costs.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)