

D/L 37
07.02.2025
Kausik
ct.no.35

W.P.A. 2261 of 2025

**Malina Mondal
Versus
The State of West Bengal & Ors.**

Mr. Supratic Roy
Mr. Probhat Kr. Srivastava

...for the petitioners.

Mr. Suman Sengupta, Sr. Govt. Adv.
Mr. Sambuddha Dutta

...for the state.

Affidavit of service so filed be kept with the record.

Petitioner is aggrieved by the fact that in spite of directions passed by the learned Civil Judge, Junior Division, 5th Court, Alipore, South 24 Parganas in Title Execution Case No. 05/2004, the police authorities are not effectively executing the decree.

The police authorities submitted a report before the learned Civil Judge to the effect that in connection with AC Case No. 2026/2023 a direction has been passed by the learned Judicial Magistrate, 5th Court, Alipore in a proceeding under the provisions of the PWDV Act.

State has submitted a report before this court wherein it reflects that the police authorities are

presently faced with the crisis whether to execute the order passed by the learned Civil Judge, Junior Division, 5th Court, Alipore in connection with Title Execution Case No. 05 of 2004 or abide by the order passed by the learned Judicial Magistrate, 5th Court, Alipore in connection with AC Case No. 2026/2023.

In view of the spirit of the report furnished by the police authorities and the present petitioner being a party in AC Case No. 2026/2023 a clarification be obtained from the Judicial Magistrate, 5th Court, Alipore.

For the time being no opinion can be expressed in respect of the steps taken by the police authorities.

Petitioner is directed to act if so advised in respect of the observations made above.

With the aforesaid observations WPA 2261 of 2025 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)