

D/L 160
25.02.2025
Kausik
ct.no.35

W.P.A. 3387 of 2025

**Nilkamal Mandal
Versus
State of West Bengal & Ors.**

Mr. Supriyo Chattopadhyay
Mr. Sudip Kr. Maiti

...for the petitioner.

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu

...for the opposite party no. 7.

Mr. Swapan Banerjee, AGP
Mr. Diptendu Narayan Banerjee

...for the state.

Petitioner is aggrieved by the fact that in spite of a decree passed by the learned Civil Judge (Jr. Division), 2nd Court, Basirhat in connection with TS No. 199 of 2014 on 23.02.2017 till date the petitioner has not been able to enter his property and in spite of informing to the police authorities no action has been taken or any assistance rendered.

Learned advocate for the State has submitted two reports in respect of the series of cases pending. According to the learned advocate for the State, several directions have been passed when the petitioner approached this court in different writ

petitions. However, the petitioner has not invoked the relevant provisions of the statute.

Learned advocate for the private respondent no. 7 submits that there are other writ petitions pending in respect of the self-same subject matter and the petitioner without taking recourse to the process of law has invoked the jurisdiction of this court under Article 226 of the Constitution of India.

I have considered the submissions advanced on behalf of the petitioner and I find that the decree which was passed in the year 2017 declared the plaintiff's right, title, interest and possession over the scheduled property and restrained the defendants from interference with the peaceful possession of the plaintiff over the suit property and/or they being dispossessed.

As the petitioner submits that since the decree has never been challenged it has attained its finality and as such the police authorities ought to assist him, although in ground reality the petitioner is unable to enter the suit property.

Petitioner should put the decree in execution as the decree was passed in the year 2017 as the petitioner complains that he is unable to enjoy the property. In case the civil court passes any directions upon the police authorities for rendering their

assistance, the concerned police authorities would be bound by the order passed by the civil court.

It is directed that under those circumstances police authorities would implement the order of the civil court in its true spirit and tenor. In the meantime, since a decree has been drawn in favour of the petitioner and the petitioner if he is resisted from entering his property which the petitioner apprehends may result in any untoward incident and to that effect inform the police authorities, the police authorities would take prompt steps so that there is no breach of peace and tranquility in respect of the issues complained by the petitioner, restricted to the property referred in the present writ petition.

With the aforesaid observations WPA 3387 of 2025 is disposed of.

Both the reports submitted by the State be kept with the record.

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.)