

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 4311 of 2025
Sk. Md. Giasuddin
Versus
The State of West Bengal & Ors.

For the petitioner : Mr. Dyutiman Banerjee
Mr. Vishal Mallick

For the State : Ms. Munmun Ganguly
Mr. Sayan Ganguly

Heard on : 01.07.2025

Judgment on : 01.07.2025

JAY SENGUPTA, J:

It appears that an inadvertent typographical error had crept into the order dated 22.05.2025 passed by this Court.

At the heading of the order-sheet, instead of "WPA 4311 of 2005", it should actually be "WPA 4311 of 2025".

The inadvertent typographical error is hereby corrected and the order dated 22.05.2025 shall always be read conjointly with this order.

Learned counsel appearing on behalf of the petitioner submits as follows. A Civil Court had granted a relief to the petitioner pursuant to which Title Execution 04/2012 (224/2014) was filed and an order was passed fixing date for having the orders executed, but the police did not provide any help. On 04.12.2023, this Court passed an order in WPA 25719 of 2023 directing the police authorities to take sufficient precaution so that incidents similar to the earlier ones of miscreants preventing execution were not repeated and the order of the Civil Court was executed properly. Among other things, police was directed to post a picket of sufficient numbers of police personnel, some of whom would be armed from the previous night so that the order could be executed on a particular day i.e., on 06.12.2023. None of this actually happened. The case of the respondent police authorities was that due to huge law and order issue on the date fixed for execution i.e., on 12.12.2024, execution could not be done. The next date before the learned Executing Court is on 05.07.2025 for compliance of the order of execution.

Learned counsel appearing on behalf of the State submits that the police authorities are ready to provide any assistance as per direction of the Civil Court and this Court to have the order executed. Incidentally on a particular date that was suggested

by the police before the learned Executing Court, the petitioner did not turn up so the execution could not be done.

In view of the fact that the police authorities are now willing to render all assistance to have the order executed, let the order be executed on 04.07.2025.

The police shall render all assistance for the same.

The police shall also post a picket from the night of 03.07.2025 for ensuring that no untoward incident happens on the next day when the order is executed.

The petitioner shall be present at the relevant time and shall co-operate with the police in having the order executed.

With these observations and directions, the writ petition is disposed of.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

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

(Jay Sengupta, J)