

*In The High Court At Calcutta
Constitutional Writ Jurisdiction*

W.P.A. 8534 of 2024

**Dinesh Chandra Purkait
Vs.
The State of West Bengal & Ors.**

Mr. Atarup Banerjee,(VC)
Mr. Subhas Jana,
Mr. Rajdeep Pramanik ... For the petitioner.

Ms. Ipsita Banerjee ... For the State.

Mr. Dilip Kr. Sinha ... For the respondent no. 4.

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

The petitioner complains that after the Civil Court passed a decree in his favour the possession was handed over by the Bailiff and subsequent thereto the private respondents forcefully occupied a portion of the property and to that effect information was furnished on 13th of December, 2022 and again on 21.12.2022.

The record reflects that in O. Ex. 01 of 2021, on 15.05.2023 the execution case was disposed of with full satisfaction. No information was furnished to the learned Civil Judge (Junior Division) Additional Court at Tamluk, District – Purba Medinipur.

Having regard to the fact that on 15.05.2023 no information was furnished to the concerned Civil Court and the report reflects that only information was sent to the police authorities by postal means, I am of the view that no interference can be made until and unless the petitioner can satisfy the Court his participation in the execution case on the last date of proceeding.

Learned advocate for the private respondents submits that they have preferred an application before the Civil

Court for setting aside of the ex parte decree and the same is still pending.

Be that as it may, since the Civil Court is already *inseisin* of the issue, I am not inclined to pass any direction upon the police authorities at present.

With the aforesaid observations, W.P.A. 8534 of 2024 is disposed of.

Pending applications, if any, is also disposed of.

Report submitted by the State be kept with the record.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)