

D/L 38
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ct.no.35

W.P.A.7902 of 2025

**Papia Mandal @ Papiya Mondal
Sur @ Papia Mandal Sur & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya
Mr. Debanik Banerjee
Mr. Surojit Saha.
...for the petitioners.

Mr. Suman Ghosh
Mr. Sankha Prasad Roy.
...for the State-respondents.

Mr. Souvick Mitra
Ms. Shetparan Roy.
...for the respondent nos.5 to 8.

Affidavit of service filed by the petitioners be
kept with the record.

There are two suits being Title Suit No.83 of
2023 and Title Suit No.90 of 2023.

Mr. Bhattacharya, learned senior advocate
appearing for the petitioners submits that in spite of
directions passed by the civil court, the police
authorities have implemented the order in such a
manner that the petitioners are unable to enjoy the
order passed by the civil court.

Learned senior advocate appearing for the
petitioner also relies upon a judgment of the Hon'ble

Supreme Court in the case of **P.R. Murlidharan & Ors. Vs. Swami Dharmananda Theertha Padar & Ors.** reported in **(2006) 4 SCC 501**. Reference was made to paragraph 17 of the said judgment and it was impressed upon this Court that the police authorities are deliberately flouting the decree/order and are not giving protection in terms of the order passed by the jurisdictional civil court.

Learned advocate for the State has submitted a report. According to the report, it reflects that information was sent to the private respondents for complying with the civil court's direction. Earlier, criminal cases were also registered which was both at the behest of the respondent no.6 and also at the behest of the petitioners.

Learned advocate for the respondent nos.5 to 8 submits that the property is not partitioned and, as such, a particular portion of the property cannot be claimed at the behest of the petitioners until and unless the same is specified in the orders which have been proposed to be implemented.

In case the police authorities are unable to implement the order passed by the civil court, they would submit a report and place the inconveniences. In the alternative, the police authorities would be at liberty to seek clarification from the civil court in

respect of the grievance expressed by the petitioners. However, if already an application under Order XXXIX Rule 2A of the Civil Procedure Code is pending, then the parties would contest the same in the background of the present facts and circumstances of the case. However, prima facie, I do not find that the police authorities have violated the orders passed by the civil court but if a particular portion of the property is claimed by the petitioners for possessing and enjoying the same, it would be in the interest of justice that the learned civil judge already in seisin of the issue would clarify and specify the same in accordance with law. Any observations made hereinabove is for disposal of the present writ petition and the learned civil court will be at liberty to exercise his discretion in accordance with the exhaustive documents already placed before him.

With the aforesaid observations, WPA 7902 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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.)