

17.03.2025
Court No. 35
Item No.140
Rakib

W.P.A. 12406 of 2023

Sankar Sardar.
VS
The State of West Bengal & Ors.

Mr. Dilip Kumar Shyamal,
Mr. Gourab Ghosh.
... for the Petitioner.

Petitioner is aggrieved by the fact that he is obstructed by the private respondents from cultivation as well as harvesting the crops. Representation to that effect was made to the Officer-in-Charge, Kultali Police Station. In spite of information being furnished no action has been taken.

Records reflect that earlier a Coordinate Bench in WPA 12496/2021 by an order dated 16.08.2021 was pleased to pass the following order:

“So long the ex parte decree passed by the civil court stands, the parties governed by such decree must abide by and adhere to it. The police will ensure that the parties governed by the subsisting decree adheres to and abide by the same. The police will ensure that no breach of peace occurs at the locale.”

Having considered that there were earlier orders passed and the Civil Court being already in seisin of the issue regarding the title and interest of the property, I am of the view that the police authorities would comply with the earlier order passed by the Coordinate Bench, until and unless the Civil Court has modified and/or varied the

directions passed in Title Suit no. 371/2021. If the petitioner is faced with inconveniences presently, petitioner would be at liberty to file a fresh representation to the Inspector-in-Charge, Kultali Police Station who would take steps in accordance with law.

With the aforesaid observations WPA 12406 of 2023 is disposed of.

All concerned parties shall 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 upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)