

D/L 86
25.07.2025
Bpg.
ct.no.35

W.P.A.14814 of 2025

**Debaloke Dutta
Versus
The State of West Bengal & Ors.**

Mr. Shambhunath Ray
Mr. Milan Maity
Ms. Munmun Das
Mr. Kazi Asif Iqbal.
...for the petitioner.

Mr. Rajarshi Basu
Mr. Biswajit Das.
...for the State-respondents.

Mr. Animesh Mukherjee
Mr. Md. Ali Ahasan
...for the private respondents.

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

Petitioner is aggrieved by the fact that in spite of the appeal being abated, the private respondents are unlawfully and illegally creating their dominion over the property. The civil court, according to the petitioner, has always held in favour of the present petitioner. In spite of the judicial dictum, the respondents have ignored the provisions of law and are enjoying the property.

State has submitted a report. Report reflects that police authorities have conducted an enquiry and found that the private respondents are a potential

threat and causing breach of the peace, consequently proceedings have been drawn up under Sections 126/136 of the BNSS.

Having considered that the execution order is to be passed by an appropriate civil court which has passed the decree, I am of the view that the police authorities in respect of possession would decide and aid the petitioner provided such a specific direction is passed by the civil court. Police authorities would for the time being only ensure that no untoward incident results because of the inimical relationship existing between the petitioner and the private respondents.

Learned advocate for the private respondents denies and disputes the contentions of the writ petition as no affidavits have been called for, the accusations made in the writ petition are deemed not to have been admitted.

With the aforesaid observations, WPA 14814 of 2025 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Copy of the report be handed over to both the parties.

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.)