

16.09.2025
Item No.22
Ct. No.35
dc.

W.P.A. 18296 of 2024

**Ajay Shaw @ Ajay Kumar Shaw
versus
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee,
Mr. Pintu Karar,
Mr. Sabab Uddin Laskar,
Mr. Sourav Roy ... For the Petitioner.

Mr. Debangshu Dinda ... For the State.

Mr. Pradeep Kumar ... For the Respondent No.6.

Supplementary affidavit filed on behalf of the petitioner be kept with the record. Copy of the same be handed over to the learned advocates for the State and the respondent no.6.

Petitioner's main grievance is that he has been dispossessed in respect of a particular property which was never the subject-matter of Title Execution Case. According to the petitioner, petitioner has filed Title Suit No. 424 of 2023. To that effect, learned advocate appearing for the petitioner has drawn the attention of the Court to paragraph 6 of the plaint which states as follows :

“6) That your plaintiff has been enjoying the electric connection from CESC Limited under Consumer ID No.62000931883 in the name of “M/s. Aditya Trading Company” at the suit property at 248, G.T. Road (N), L/P/1/115, Howrah-7112024. The plaintiff craves leave to file the electricity bills at the time of trial.”

Learned advocate appearing for the State has drawn the attention to the earlier report submitted.

Report reflects that on receipt of information of Belur P.S. Case No.157 of 2024 dated 31.08.2024 was registered for investigation.

So far as the issue relating to dispossession of the petitioner is concerned, police authorities in their report claimed that pursuant to the directions passed by the learned Civil Judge (Junior Division), 1st Court, Howrah in Title Execution Case No. 14 of 2010 directing the Inspector-in-Charge, Belur Police Station to take necessary steps for restraining the defendant from dispossessing the plaintiff from the suit property steps were taken and police authorities at the relevant point of time acted pursuant to directions of the civil court.

Be that as it may, learned advocate for the petitioner has claimed for restoration of possession of the petitioner.

Since the civil court is already in seisin of the issue and the police authorities have taken up a plea that they acted pursuant to the directions passed by the learned civil Judge in a execution case, I am of the view that if the civil court arrives at its finding regarding the dispossession being made in respect of a separate property and in due process of law passes specific directions upon the police authorities, in that case police authorities would abide by the directions of the civil court.

With the aforesaid observations, the writ petition being WPA 18296 of 2024 is disposed of.

There will be no order as to costs.

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.)