

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

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sm **12.12.
2019**

W.P.A. 769 of 2019

**Sunlight Tradecom Pvt. Ltd.
Versus
Benidict Soren & Others.**

Mr. Sunil Kumar Sarkar.
.....for the petitioner.

Mr. Debabrata Dhar, AGP,
Ms. Bedashruti Bose.
.....for the State.

Affidavit of service filed in court today be kept
with the record.

This is an application under Article 226 of the
Constitution of India wherein the writ petitioner is
praying for a direction upon the police authorities to
stop the construction which has been started by the
respondent no. 1 to 4 over a piece of land measuring
about 0.71 acres.

The fact of the case is that the petitioner has
obtained an order before the learned Civil Judge,
(Junior Division), Siliguri. According to the petitioner,
a decree has been passed by the learned Court below
and execution proceeding has been filed by the
petitioner.

In my view, the writ jurisdiction is not the
correct jurisdiction for this particular matter, as the
petitioner has a clear alternative remedy of proceeding

with the execution proceeding before the learned Civil Court.

In the light of the above observation, this writ petition is dismissed.

Since no affidavit-in-opposition is filed by the respondents, so all the allegations made in this writ petition are deemed to have been denied.

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

(Shekhar B. Saraf, J.)