

21.09.2020
Srimanta/Mithun
Sl. No. 08
Ct. No. 23

IA No. : CAN/1/2020 (Old No: CAN/5657/2020)
in
WPA/6742/ 2020
[Via Video Conference]

Mrs. Shobha Maurya
-Vs.-
The Asansol Municipal Corporation & Ors.

Mr. Abhishek Sikdar, Adv.
...for the petitioner.

Mr. Debabrata Chatterjee, Adv.,
Mr. Simanta Kabir, Adv.
...for the respondents.

The mother of the petitioner and the respondent No.10 are stated to be the joint owner in respect of a plot of land within the jurisdiction of Asansol Municipal Corporation. The said mother of the petitioner died leaving behind two sons and five daughters. The petitioner is one of the said married daughters of late Sarju Prasad Koiri.

It is pleaded by the petitioner that after the death of her parents all her brothers and sisters became the joint owner in respect of the undivided four and half cottahs of land in question. The two sons allegedly transferred their undivided shares in favour of their wives and they are proceeding with illegal structure on the said property causing thereby violation of legal right of the petitioner.

The facts stated by the petitioner clearly suggest a civil dispute and the efficacious relief is available under the Specific Relief Act. At this stage, the Writ Court cannot grant any relief to the petitioner even if some illegal structure is constructed. Petitioner can take appropriate step before the Civil

Court praying for mandatory and prohibitory injunction.

It is further submitted by the learned Advocate for the State that the petitioner has already filed a complaint under Section 420 of the Indian Penal Code against the private respondents before the Commissioner of Police, Asansol Commissionerate and the Police is investigating the incident.

In view of such circumstances, at this stage this Court cannot grant any relief to the petitioner.

The instant writ petition is dismissed without any order as to costs.

(Bibek Chaudhuri, J.)