

18.11.2020
ss/Sc

W.P.A. 7103 of 2020
I.A.No. C.A.N.1 of 2020

(Through Video Conference)

Suvendu Bikash Dey & anr.
Vs.
State of West Bengal & ors.

Mr. Dipayan Kundu
Mr. Amit Baran Dash
... For the petitioners

Mr. Bibek Jyoti Basu
Mr. Uttam Kr. De
... For the State

Re : I.A. No. CAN 1 of 2020

The application being CAN 1 of 2020 relating to urgency of this writ petition is heard, and accordingly, disposed of.

Re : W.P.A.7103 of 2020

This is an application under Article 226 of the Constitution of India wherein the petitioners are aggrieved by certain unauthorised construction by the private respondent. According to him, the proper permission has not been taken by the respondent no.9. Counsel on behalf of the petitioners submits that an application is already filed before the civil court for injunction.

Counsel on behalf of the State submits that a civil suit is already pending with regard to the same issue and the remedy lies before the civil court under Order 39.

I have heard Counsel appearing on behalf of both the parties and am of the view that this is not a fit case for interference by the Writ Court.

Accordingly, the writ petition is dismissed with liberty granted to the writ petitioners to approach the proper forum for their remedy.

It is made clear that I have not gone into the merits of this case.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)