

W.P.A. 2323 of 2021

(Via Video Conference)

Prabhat Dalai

Vs.

State of W. B. & Ors.

Mr. A. K. Routh ...for the petitioner.

Mr. R. N. Dutta

Mr. S. Bhattacharya

...for the State.

Heard the parties.

The petitioner seeks a direction on the Government 'Amin' to demarcate the subject premises of the petitioner.

The petitioner relies on a notification dated 24th December, 1993 issued by the Special Officer directing the deployment of Government Amin for making survey of lands belonging to private individuals and not in connection with any Government land.

In this background, it is submitted on behalf of the petitioner that the Government Amin demarcate the subject premises at the cost of the petitioner.

Mr. Dutta appearing on behalf of the State respondents raises the point of maintainability of the writ petition. It is submitted on behalf of the State that from the averments contained in the paragraph 7, 8 and 10 of

the petition it will be evident that the private respondents herein are the co-owners and the petitioner is seeking to invoke the writ jurisdiction in respect of purely private civil disputes.

It is further submitted on behalf of the State that there are private disputes by and petitioner and the co-owners and the petitioner is indirectly seeking to demarcate and convert the subject premises which ought not to be granted by the Writ Court.

I have heard the parties.

I am of the view that the reliefs which the petitioner seeks ought not to be granted by the Writ Court. The grievance of the petitioner and the private respondents who are the co-owners of the subject premises are purely private civil disputes and there is no reason why a Writ Court should pray any relief in favour of the petitioner.

I am also not satisfied as to the applicability or relevancy of the Notification dated 24th December, 1993 in the facts and circumstances of the instant case.

In view of the aforesaid, WPA 2323 of 2021 is dismissed. However, there will be no order as to costs.

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

(Ravi Krishan Kapur, J.)