

24.08.2021
rc/ct.no.10
Item No.91

WPA No. 4075 of 2021
Prafulla Kumar Roy & Ors.
Versus
The State of West Bengal & Ors.

(VIA VIDEO CONFERENCE)

Mr. Swapan Pal	...for the petitioner
Mr. Pantu Deb Roy	
Mr. Subrata Guha Biswas	...for the State
Mr. Sudipta Dasgupta	
Mr. A.N.Naskar	
Mr. S. Sutradhar	...for the respondents no.5,6&7

It is submitted on behalf of the respondents no. 5, 6 and 7 that the disputes raised in this petition are civil in nature and ought not to be entertained by a Writ Court. Hence, the writ petition is liable to be dismissed.

The matter has been adjourned on repeated occasions.

It appears from the petition that the only dispute that the petitioner raised pertains to a deed of indenture granted to the private respondents no. 5, 6 and 7 and during the pendency of the Title Execution No. 3/2000. It further appears that the question of purported encroachment is also the subject-matter of a pending Title Suit No. 411 of 1989 before the competent Civil Court.

The State-respondents are represented and submits that the dispute raised in this petition are purely civil in

nature and there is no allegation in so far as the State is concerned.

I have heard the parties.

I am of the view that in view of the averments made in the petition there is no legally enforceable right which the petitioner can demonstrate against the State-respondents. I am of the view that the disputes between the petitioner and the private respondents are beyond the scope of the Writ Court and are purely civil in nature.

In view of the aforesaid I find that the writ petition is not maintainable.

Hence, WPA No. 4075 of 2021 is dismissed.

There shall be, however, no order as to costs.

(Ravi Krishan Kapur,J)