

25.06.2021
Ct. No.8
S/L No.5
KS

(Via Video Conference)

W.P.A. 4463 of 2021

Mr. Sandeep Krishna Rohatgi & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Sandeep Krishna Rohatgi

.....For the Petitioners-in-person

Mr. Amitesh Banerjee

Ms. Suddhadev Adak

.....For the Respondents

In this writ petition, the petitioners have sought for the following directions-

- a) *A writ in the nature of Mandamus commanding the Respondents authorities to show cause as to why the Nabarun Sangha, nearby and patients were shifted to nearby Salvation Army Home, in the Free Camp they went house to house and talk negative of his own brother with the help of local Leaders. Clubs, etc. and we reap the good Deeds in the area and Behala, District South 24 Parganas. It is pertinent to mention the Hon'ble Court that this was the 1st Eye Surgery Centre since 1957.*
- b) *A writ in the nature of Mandamus commanding the respondents to issue Rule upon the Respondents that the pending disposal of the petition to stay the operation of the impugned order of punishment.*
- c) *A writ in the nature of certiorari directing the respondents concerned to produce or cause to be produced the all records before this Hon'ble Court so that conscionable justice may be done.*
- d) *Rule NISI in terms of prayer (a), (b) and (c) above.*
- e) *Cost and/or costs.*

f) To pass any other order or orders as your Lordships may deem fit and proper.

Mr. Sandeep Krishna Rohatgi, petitioners-in-persons', submission is that a partition suit being Title Suit No.11055 of 2013 is pending in the Court of the learned 7th Civil Judge (Senior Division) at Alipore wherein the petitioners-in-person is in the array of defendant.

Hence, the writ petitioners have efficacious remedy to seek protection of his possession in the suit property in the pending civil suit.

Having heard the petitioners-in-person and Mr. Amitesh Banerjee, learned senior counsel for the respondent-Government authorities, this Court is of the view that the prayer as made in this writ application is not meaningful and no direction, as such, can be given against any of the respondents. If the petitioner wants to protect his possession in the property, it is for him to seek relief before the Civil Court because it is a private *lis* between the petitioners and his uncle and family members.

Now, at this stage, the petitioners-in-person submits to withdraw the writ application.

Thus, the writ application being, W.P.A. 4463 of 2021 is dismissed as withdrawn but without leave to sue afresh on

the selfsame cause of action, however, without any order as to cost.

(Shivakant Prasad, J.)