

19.07.2021.
Item no. 43.
Court No.13
ap

**W.P.A. No. 10956 of 2021
(Through Video Conference)**

**Santosh Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Himangshu Ghosh.

...For the petitioner.

Mr. Ansar Mondal,
Mr. Sougata Mitra.

...For the State.

Mr. Soumyadeep Biswas.

...For the private respondents.

Counsel for the petitioner submits that his client is a senior citizen and desirous in selling out his property and the private respondents are harassing him in this regard.

Counsel for the private respondents submits that in respect of title to the said property being Title Suit No. 15 of 2018 was instituted before the learned Civil Judge (Junior Division), Additional Court at Krishnanagar which has since been decreed by a judgment dated 20th June, 2019. The petitioner has been permanently enjoined from entering into the suit property or causing disturbance to the peaceful possession of the private respondents.

In that view of the matter, this Court finds that the writ petition is thoroughly misconceived, based on suppression of material facts or misstatements thereof.

Hence, the instant writ petition shall stand dismissed with costs which is assessed at Rs.5,100/-

(Rupees five thousand one hundred only) to be paid by the petitioner to the respondents.

The plaint filed in Title Suit No. 15 of 2018 and the judgment dated 20th June, 2019 are kept with the record.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)