

September 14, 2021

ARDR

(23)

WPA 13373 of 2021

Swayambhu Panda

Vs.

The State of West Bengal & Ors.

Mr. Manoranjan Jana,

...for the petitioner.

Mr. Chandi Charan De,

Mr. Somnath Mukhopadhyay,

...for the State.

Affidavit of service filed by the petitioner be taken on record.

The petitioner's grievance is that the respondent authority has acquired 7 decimals of land out of 14 decimals belonging to the petitioner in the property in question.

The petitioner alleges that the respondent authority is trying to encroach upon another about 3 decimals of land of the petitioner, thereby occupying about 10 decimals of land in all.

It appears that the petitioner filed a civil suit before the Civil Judge (Junior Division), 2nd Court, Kandi being Title Suit No. 304 of 2011 wherein the learned Court has granted an order of ad-interim injunction restraining the present respondents from encroaching upon the land of the petitioner which was not acquired by the respondents.

The petitioner, in the present writ petition, says that the respondents are trying to raise pillars for

demarcation of their land which should be restrained till the civil suit is disposed of.

As the entire issue pertaining to alleged encroachment and demarcation is pending before the civil Court, this Court, in exercise of its extra ordinary jurisdiction, shall not endeavour to enter into the merits of the said case.

The petitioner is at liberty to raise the issue before the learned civil Court. Alternative efficacious relief having already been availed of by the petitioner, the writ petition, in its present form, is not maintainable.

Accordingly, WPA 13373 of 2021 is dismissed. However, there shall be no order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to be not admitted.

Urgent certified website copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Suvra Ghosh, J.)