

14.07.2021
Item No.
232
Saswata
Ct. 8

WPA 13768 of 2018

Subal Maity
-vs-
State of West Bengal & Ors.

Mr. Gautam Banerjee
... for the petitioner
Mr. Rabiul Islam
... for the State

The petitioner complains of police in-action.

Learned advocate for the petitioner submits that the petitioner was the defendant no. 2 in a suit for declaration in respect of an immovable property. The suit was initially dismissed. An appeal was preferred. The appeal Court remanded the suit for fresh hearing.

An appeal was preferred before the High Court. In the High Court, there was an order of stay of proceeding of the suit. He submits that subsequent to such order, the defendant no.1 ousted the defendant no.2 who is the petitioner, herein, from the suit property.

In the facts of the present case, eminently, there are civil disputes between the private parties. The petitioner was ousted from the possession of the immovable property. There is a suit pending in respect of such immovable property in which the petitioner is a party / defendant.

In such circumstances, it would be appropriate to permit the private parties to have their dispute resolved before the appropriate forum.

The writ petition being WPA 13768 of 2018 is, accordingly, disposed of.

(Debangsu Basak, J.)