

AD. 102.
January 5, 2021.
MNS.

W. P. A. 8035 of 2020
(**Via video conference**)

Sri Aniruddha Maiti
Vs.
The State of West Bengal and others

Mr. Debasish Das

... for the petitioner.

Affidavit-of-service filed in Court today be
taken on record.

Despite service, none appears on behalf of
the respondents.

The petitioner contends that the police
authorities are not acting on the complaints of the
petitioner in respect of alleged obstruction being
created by the private respondents regarding the
petitioner's construction in respect of his own
property.

The petitioner, however, has stated in the
writ petition itself that a civil suit was preferred by
the petitioner for declaration and permanent
injunction pertaining to the petitioner's right, title
and interest in respect of the disputed property,
which was disposed of. Subsequently an appeal
was preferred, which culminated in an order of

remand. Thereafter, the suit is pending before the Civil Judge (Junior Division), Second Additional Court at Contai.

Learned counsel appearing for the petitioner submits that the petitioner has already taken out an injunction application before the civil court in connection with the suit, which has not been heard as yet due to the pandemic situation.

However, the functioning of district courts is now gathering steam, although not yet in full blast, and things have started regaining normalcy after the pandemic. Moreover, in view of the pendency of the civil suit post-remand, it would not be appropriate for the writ court to arrogate to itself the authority of the civil court and embark upon a full-fledged factual enquiry. The purpose of justice will be subserved if the civil court disposes of the injunction application of the petitioner, if any, expeditiously.

Accordingly, W. P. A. 8035 of 2020 is disposed of by requesting the Civil Judge (Junior Division), Second Additional Court at Contai to dispose of the applications, if any, pending in connection with the petitioner's suit, bearing Title Suit No. 01 of 2015, after remand, expeditiously,

preferably within a month from the date of communication of this order to the said court.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)