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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 8093 of 2020

**Smt. Gita Roy Biswas
Vs.
The State of West Bengal & Ors.**

Mr. Asis Bhattacharyya
... for the petitioner

Mr. Manoj Malhotra,
Mr. Sudip Sarkar
...for the State-respondents

The petitioner urges that the private respondents, being the petitioner's co-sharers, are raising illegal construction in respect of the property-in-dispute, which is under occupation of the petitioner. Despite complaints being lodged in that regard, the police-authorities are sitting tight over the matter.

Learned counsel for the respondent-authorities indicates that the petitioner has pleaded in the writ petition itself that the petitioner and her other co-sharers entered into a development agreement. As such, it is argued, that the petitioner's contention of illegal construction is belied by the petitioner's own statement.

A perusal of the writ petition clearly shows that the petitioner has extensively pleaded in the writ petition that there was a development agreement. In

paragraph 11 of the writ petition, the petitioner even alleges deficiency on the part of the developers. In paragraph 12 of the writ petition, a vague allegation has been made that 'those private respondents', in spite of having previous development agreement and power-of-attorney to Nandadulal Roy Biswas, have illegally started working on a multistoried building over the petitioner's land.

Be that as it may, such questions of fact, requiring adjudication upon taking evidence, fall within the domain of civil courts and cannot be looked into in a writ petition. As far as the alleged inaction of the police and municipal authorities is concerned, neither of such authorities can come into the picture, let alone decide the contentious issue of the respective rights of the petitioner and the private respondents, unless the petitioner vindicates her rights before a competent civil court and obtains appropriate orders therefrom.

Accordingly, W.P.A. No. 8093 of 2020 is dismissed, without, however, any order as to costs.

However, the petitioner is granted liberty to approach a competent civil court for seeking appropriate reliefs.

Upon such approach being made, such civil court shall adjudicate upon the rights of the private parties as well as pass interim orders, if necessary, in

accordance with law without being prejudiced in any manner with the observations made above.

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

(Sabyasachi Bhattacharyya, J.)