

07.09.2021
Ct. No.13
Sl. No.96
akd

W.P.A. 9146 of 2020 [via video conference]

[Biplab Bose & Ors. -Vs- The State of West Bengal & Ors.]

Mr. Srijib Chakraborty
Ms. Sudeshna Basu Thakur
... .. for the petitioners

Mr. Arnab Mukherjee
Ms. Madhurima Mukherjee
... .. for respondent no.6

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
... .. for the State

The writ petitioners complain that the Regent Park Police Station has prevented them from effecting construction over the property belonging to them being Premises No. 27/2A, Kshetra Mohan Naskar Road, Kolkata – 700 040

The private respondents submit that in T.S. No. 1874 of 2019, the 2nd Additional Civil Judge (Junior Division) at Alipore has passed an order on 16th December, 2019 restraining the writ petitioners herein being the defendants therein from disturbing the peaceful possession of the plaintiff and from dispossessing them.

The writ petitioners submit that they are effecting construction only on their own property and the order of injunction does not affect the property at Premises No.27/2A. Admittedly the petitioners are the defendants in the suit.

There is a common privy on a common passage between Premises No. 27/2 and 27/2A. The normal remedy of the petitioners would be to seek appropriate clarification in the pending civil suit since they are already parties thereat.

The petitioners cannot seek orders from a Writ Court that would affect issues in a pending Civil Suit.

Learned counsel for the State submits that the police authorities have already recorded General Diary in respect of the complaint received from the private respondents and have not taken any further steps.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)