

AD. 10.
January 4, 2021.
MNS.

W. P. A. 9272 of 2020
(**Via video conference**)

Amar Kumar Singha Roy
Vs.
The State of West Bengal and others

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

... for the petitioner.

Mr. Partha Pratim Roy

...for the respondents.

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

The petitioner has sought for police help to
protect the petitioner's alleged possession in
respect of the disputed property.

Learned counsel for the petitioner submits
that a civil suit is already going on in connection
with the dispute as regards the petitioner's title to
the said property. However, respondent nos. 12,
13 and 14, it is submitted, are disturbing the
petitioner's possession, although they are not
parties to the suit.

Learned counsel appearing for the private
respondent submits that the title of the petitioner
is disputed and such a question cannot be

entered into by this Court in the garb of a writ petition.

It appears from the allegations and counter allegations of parties that the relief prayed in the present writ petition pertains to a civil dispute as regards the petitioner's right in respect of the suit property. Such adjudication, involving details and leading of evidence, cannot be arrogated by the writ court itself, particularly when a civil suit is already pending, where the respondent nos. 12, 13 and 14 have not yet been impleaded.

As such, there is no scope for granting relief, which requires ascertainment of the actual facts involved, including the respective right, title and interest of the petitioner and respondent nos. 12, 13 and 14 in respect of the disputed property.

Accordingly, W. P. A. 9272 of 2020 is disposed of by granting the petitioner liberty to add the respondent nos. 12, 13 and 14 in the suit, if the petitioner feels necessary, and agitate the grievances made in the writ petition before the civil court. If such an application for addition of parties is made, the civil court shall decide the same without being influenced in any manner by any of the observations made herein, on its own merits.

There will be no order as to costs.

The parties are directed to act on the server copies of this order as and when uploaded in the official website of this Court. In any event, the petitioner is granted liberty to communicate the gist of this order to the respondents even without waiting for such server copy to be uploaded and the respondents are directed to act upon the same.

(Sabyasachi Bhattacharyya, J.)