30.08.22

13 Ct. No.42
Sws.M

WPA 1668 of 2018

Tapan Kumar Guchait

Vs.

The State of West Bengal & Ors.

Mr. Chanchal Kumar Dutta
Mr. N irmalya Dasgupta
Ms. Kushina Mullick

...for the petitioner

In this writ petitioner being WPA 1668 of 2018, the writ petitioner has prayed for assessment of market value of the property by the respondent no.1, being the State of West Bengal and the District Registrar Howrah, being the respondent No. 2.

The grievance of the writ petitioner arises out of the non-compliance of an order dated July 14, 2016 passed by the Civil Judge (Senior Division) 3rd Court, Howrah in Title Suit No. 199 of 2013.

In the suit for specific performance filed by the Private Respondent No. 3where admittedly the District Collector, Howrah was not a party, the learned Civil Judge passed the following direction:-

"That the District Collector, Howrah is hereby directed to assess the market of

the property as it was in the year 2012 mentioned in the schedule of the agreement for sale dated 12-11-2012 and also to calculate the stamp duty payable by the party concerned and to submit his report within the next date preferably within three weeks from the date of receiving of this order."

Since the District Collector failed to assess the market value of the property as it was in the year 2012 and did not comply with the order passed by the Civil Judge, the instant writ petition was filed.

Mr. Dasgupta, learned Counsel appearing for the writ petitioner submits that being the owner of the suit property his client is suffering since the private respondent No. 3/plaintiff filed the suit and obtained an interim order of injunction.

No one represents the State or the private respondent despite service.

Having considered the submissions of the learned Counsel appearing for the petitioner and the materials placed on record, this Court finds that the order passed in TS No. 199 of 2013 by a Civil Court

cannot be implemented by way of filing of the writ petition. The District Collector was not a party to the suit. Directions were given upon the District Collector to assess the market value of the property in his absence and provide evidence for assessing the market value of the suit property. The parties may take appropriate steps as may be advised, in accordance with law.

In the circumstances **WPA 1668 of 2018** is **dismissed.**

However, there will be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Lapita Banerji, J)