

02.05.2022.
Court No.13
Item No. 28
ap

W.P.A. No. 3864 of 2022

**Mahamani Properties Private Limited
Versus
The State of West Bengal & Ors.**

Mr. Saptangshu Basu, Id. Sr. Advocate,
Ms. Saswati Chatterjee.

...For the petitioner.

Mr. Gourav Das,
Mr. Parikshit Goswami.

...For the State.

Mr. Aniruddha Chatterjee,
Mr. Rahul Singh.

..For the respondent nos.5 to 15.

Mr. Rakheswar Dey Sarkar.

...For the respondent nos.17 to 20.

The writ petitioner is a promoter, who has entered into an agreement for development of a property with the respondent nos.5 to 15. The said private respondents claim to be the owners of the said property.

The private respondent nos.17 to 20 are the tenants in respect of a portion of the said property, which comprised of four several shop rooms.

The said four private respondents have instituted a Title Suit being T.S. No. 56 of 2017 before the learned Civil Judge (Senior Division) at Sealdah, which has ordered status quo to be maintained in respect of the subject property. The suit property has been specifically described in the Schedule to the plaint as comprising only in four shop rooms.

It is submitted that Entally Police Station has prevented the petitioner from effecting construction over the entire plot of land including that owned by the respondent nos.5 to 15.

Admittedly, the private respondent nos.17 to 20 can have absolutely no right, title or interest in respect of the property standing in the names of the respondent nos.5 to 15.

The Officer-in-charge, Entally Police Station, shall ensure that the injunction of the Civil Court is enforced only to the extent of four shop rooms of the private respondent nos.17 to 20. The petitioner and the private respondent nos.5 to 15 shall not, in any way, be interrupted or obstructed from effecting construction over the rest of the property, other than the four shop rooms, being the subject matter of the said civil suit, i.e. T.S. 56 of 2017.

The report in the form of instructions of the Officer-in-charge, Entally Police Station, dated 8th March, 2022 addressed to the State Advocate be taken on record.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)