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23.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 4178 of 2022

**Shri Ramchandra Debnath
-versus
The State of West Bengal & Ors.**

**Mr. Tulshi Das Roy,
Mr. Tirthankar Roy.
...For the Petitioner.**

**Ms. Debarati Sen (Bose).
...For the State.**

**Mr. Nilanjan Adhikari.
...For the Respondent
Nos. 2 and 3.**

**Mr. Amit Baran Dash,
Ms. Ankana Sarkar.
...For the Respondent No.6.**

The petitioner has annexed the record of rights to show that he is the recorded raiyat of a portion of the land in dag no. 263.

The private respondent also has some share in the same dag.

The grievance of the petitioner is that the private respondent has made construction in the undivided portion of land and has ousted him from the said place.

The petitioner made representation before the Contai Municipality and submits that the same has not been taken up for consideration till date.

Learned advocate appearing for the private respondent submits that there are several occupiers of the aforesaid dag.

It has been admitted that the said plot is an undivided one and everybody is holding their share as per amicable settlement entered into between the parties and filed in Title Suit No. 27 of 2022 in the Court of the Learned Civil Judge, Junior Division, 1st Court at Contai.

It appears from the submissions made on behalf of the parties that though the petitioner claims that he has a share in the property but he is presently out of possession.

It will not be proper for the Contai Municipality to enter into the dispute and restore possession to the petitioner.

It will be open for the petitioner to approach the appropriate civil forum for relief.

No relief can be granted to the petitioner in the instant writ petition.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)