

WPA 8456 of 2021

Arnab Ray
Vs.
The State of West Bengal & Ors.

Mr. Rajarshi Dutta,
Ms. Madhurima Das,
Mr. Sayantan Basu,

...for the petitioner.

Mr. Naba Kumar Das,
Mr. Pathik Bandhu Banerjee,

...for the respondents.

A copy of the plaint in Title Suit no. 731 of 2017 has been placed before this Court. The same is taken on record.

Heard the learned counsels for the parties.

It is not in dispute that a suit for specific performance of contract is pending in the Court of learned 2nd Civil Judge (Senior Division), Barasat between one Sandhya Poddar and Reetika Gupta who are the plaintiffs therein and the writ petitioner and others, being the defendants in the suit. The plaintiffs of the suit claimed that the predecessor in interest of the writ petitioner herein and the defendant no.1 in the suit entered into an agreement for transfer of the property in question in favour of the plaintiffs and part consideration money was paid by the plaintiffs for the purpose. The plaintiffs have prayed before the Court for specific performance of the memorandum of understanding

executed by and between the parties for transfer of the plot in question.

In the writ petition the petitioner has prayed for a direction upon the respondent authorities to mutate his name in respect of share of the predecessor in interest of the petitioner with regard to the plot which is the subject matter of the suit.

It is not in dispute that in the event the suit is decided in favour of the plaintiffs therein, the share of the writ petitioner shall be transferred in favour of the plaintiffs therein and if the suit fails, the amount of consideration taken by the predecessor in interest of the writ petitioner has to be refunded to the plaintiffs.

It is submitted on behalf of the respondent authorities that pending disposal of the suit, no mutation can be granted in favour of the writ petitioner as such mutation shall abide by the result of the suit.

In view of the fact that the suit pending before the civil Court shall decide whether the writ petitioner shall have any title in respect of the share of his predecessor in interest, the writ petition is premature and cannot be entertained at this stage.

Accordingly, WPA 8456 of 2021 is dismissed. There shall however, be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)