

89. 27.06.2022
Ct. No.6
Tanmoy

F.M.A. 127 of 2022
(M.A.T. 1043 of 2021)

Prabhat Dalai
-Versus-
State of West Bengal & Ors.

With
IA No: C.A.N. 1 of 2021

Mr. Ashim Kumar Routh, Adv.,
Ms. Ananya Mondal, Adv.

...for the appellant.

Mr. Rabindra Narayan Dutta, Adv.,
Mr. Hare Krishna Halder, Adv.

...for the State respondents.

Finding nobody on behalf of the State, we requested Mr. Rabindra Narayan Dutta, learned Advocate, who represents the State in several cases, to appear in this matter on behalf of the State. The appointment of Mr. Dutta along with his junior, Mr. Hare Krishna Halder, should be regularized.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

This appeal is directed against an order dated August 12, 2021, whereby the appellant's writ petition being W.P.A. 2323 of 2021 was dismissed by the learned Single Judge.

The appellant had approached the learned Single Judge praying for a direction on the Government 'Amin' to demarcate the subject premises of the appellant from that of the private respondents. It was submitted on behalf of the State that there are private disputes between the appellant and the private respondents, which are of civil nature. The learned Judge accordingly dismissed the writ petition.

We have heard learned Counsel for the parties. We see no infirmity in the order of the learned Single Judge. There appear to be disputes of a civil nature between the appellant and the private respondents, without due adjudication whereof by the Competent Forum, no order as prayed in the present writ petition could be passed.

We accordingly affirm the order of the learned Single Judge and dismiss this appeal being F.M.A. 127 of 2022 and the connected application being IA No: C.A.N. 1 of 2021 without however any order as to costs.

Let urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)