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03.01.2022
Ct. No.10
b.das

W.P.A. 15507 of 2021

(Via Video Conference)

Babar Ali & Ors.
Vs.
State of W.B. & Ors.

Ms. Rima Das
...for the petitioners.

Mr. R. C. Guchhait ...for the State.

Heard learned counsels for the parties.

It is submitted on behalf of the petitioners that despite pendency of civil suits praying for declaration of title as well as for partition of the property in dispute, some private individuals who are parties to the civil suits are trying to record their names in respect of the property in connivance with the State respondents.

Admittedly, civil suits are pending between the petitioners and the private persons in respect of the land in question and an order of injunction has been granted by the civil Court in favour of the petitioners by an order dated 19th November, 2021, restraining the defendants in the suit from interfering with the peaceful possession of the petitioners with regard to the property and changing the nature and character of the same till 11th April, 2022.

The petitioners submit that during pendency of the said order of injunction, the defendants in the suit are trying to record their names in respect of the property in collusion and connivance with the State respondents.

As a civil suit with regard to the property in question is pending, the petitioners have their remedy in the suit before the civil court.

This Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, shall not intervene in a matter which is sub judice before a civil court.

Accordingly, the writ petition being WPA 15507 of 2021 is dismissed as not maintainable.

However, the petitioners are at liberty to raise this issue before the civil court in the pending civil suits.

There shall be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)