

15.09.2022
Court No.13
Item No.66
pk

WPA 16613 of 2022

Subarna Sarkar
Vs.
The State of West Bengal and others

Mr. Mohinoor Rahaman,
Ms. Maria Rahaman,
Ms. Iqra Rahaman
...for the petitioner.

Ms. Piyali Sengupta,
Mr. Ratul Das
... for the respondent nos. 1 to 5.

Mr. Partha Sarathi Das
... for the private respondents.

The writ petitioner complains that the private respondents are preventing him from construction on a property standing in his name.

There is reference to an order of injunction passed by this Court in its revisional jurisdiction on 04.11.2019 in C. O. No. 3680 of 2019. However, upon alleged violation by the private respondents, a contempt proceeding being WPCRC 18 of 2022 was dismissed by the said Court on 23rd June, 2022.

Partition suit filed by the private respondents being T. S. No. 10 of 2012 has been decreed, which is now pending and challenged in an appeal being No. 3 of 2018 before the learned A.D.J., First Court, Bongaon. The decree has been stayed.

The petitioner himself has filed a civil suit being T. S. No. 81 of 2019 now pending before the Civil Judge(Junior Division), Bongaon.

This Court is of the view that right, title and interest to the petitioner vis-à-vis private respondents, ought to be appropriately addressed in the pending civil proceedings. It would be inappropriate for either the police or the Writ Court to intervene in purely private dispute between the petitioner and the private respondents.

The writ petition is disposed of with the observations herein above.

The report of the Bagdah Police Station in the form of instructions addressed to the State Advocate is taken on record.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)