

WPA 17299 of 2022

Bhagabati Nayek & Ors.
Vs.
The State of W. B. & Ors.

Mr. Kingshuk Mondal ...for the petitioner.

Mr. A. K. Ganguly
Mr. Joydip Banerjee ...for the State.

Heard learned counsels for the parties.

Instructions/statement of fact submitted by the State respondents is taken on record.

The petitioners claim to be co-owners in respect of the land in question along with the private respondents and complain that their land has been acquired by the State respondents for construction of a tubewell under the “AMRA Piped Water Supply Scheme”, but no compensation was granted to the petitioners for the same.

Per contra, learned counsel for the State respondents refers to a copy of a deed of gift annexed to the instructions submitted by the respondents, which demonstrates that some of the co-sharers of the property have gifted a portion of the property in question to the State respondents for utilisation of the same for public purpose.

Challenging the said deed of gift, learned counsel for the petitioners submits that since the petitioners are also

co-sharers in respect of the property in question, the private respondents had no authority to gift the property or any portion thereof in favour of the State respondents without consent of the petitioners. The petitioners only came to learn about the alleged deed of gift for the first time in Court today.

It prima facie appears that a deed of gift was executed by some of the co-sharers of the property in respect of a portion of the property in question and the petitioners intend to challenge the legality and validity of the said deed.

There are several disputed questions of fact which cannot be dealt with by the writ court. The remedy of the petitioners lies in approaching the appropriate civil forum.

In view of the above, the writ petition is dismissed on the maintainability ground.

The petitioners are at liberty to approach the appropriate forum for redressal of their grievance.

However, 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.)