

AD. 166.
July 1, 2022.
MNS.

(Assigned)

WPA No. 18697 of 2021

Chittaranjan Singha and another
Vs.
The State of West Bengal and others

Mr. Rwitendra Banerjee,
Mr. Saugata Mitra,
Mr. Rameshwar Sinha,
Mr. Swagatam Deb
... for the petitioners.

Ms. Sipra Majumder,
Mr. Ayan Banerjee
...for the State.

Mr. S. R. Kundu
...for the private respondents.

Affidavit-in-reply filed in Court today be kept
on record.

Learned counsel for the petitioners contends
that the petitioners are the owners of the property-in-
dispute and are in occupation thereof. That apart,
the property stands mutated in the name of the
petitioners.

Learned counsel places reliance on Rule 59 of
the West Bengal Land Manual and contends that the
inspection contemplated therein by the Revenue
Inspector has been concluded.

Hence, learned counsel for the petitioners
pray for restoration of the petitioners' possession by
peaceful entry to their property.

Learned counsel appearing for the private respondents submits that the revenue records do not confer title and cannot be treated to be a document of title for the purpose of granting any relief to the petitioners. That apart, the dispute is civil in nature and ought not to be decided by the writ court.

Upon hearing learned counsel for the petitioners, the private respondents and the State, it appears that the relief sought in the writ petition is not the subject matter of jurisdiction of a writ court.

As the petitioners claim title, which has been controverted in their affidavit-in-opposition by the private respondents, it is for the parties to approach the competent civil court having jurisdiction for getting appropriate reliefs and for an adjudication on their respective rights.

As such, in the light of the above observations, WPA No. 18697 of 2021 is disposed of by granting liberty to the petitioners and the private respondents to approach the competent civil court in the event they seek any civil remedy.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)