

September 20, 2022
Sl. No.13
Court No.1
s.biswas

WPA (P) 427 of 2022

Supriyo Chakraborty

vs.

The State of West Bengal and others

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal, Advocates

... for the petitioner

Ms. Sutapa Sanyal,
Ms. Susnita Saha, Advocates

... for the State

Mr. Syed Arif Ahmed,
Mr. Bappaditya Roy, Advocates

... for the respondent Nos.8 to 17

In this public interest petition the petitioner has raised the plea that the temple of Sri Narayana Bhagwan, Jagannath Thakur and Mandap of Durga Mata situated at J.L. No.65, Khtian No.878, R.S. & L.R. Dag No.421, R.E.S.A. No.209, Tauji No.148 under the village-Bonhooghly (II), Charaborty Para, Post Office-Bonhooghly, Police Station-Narendrapur, South 24 Parganas, is a 'Debutter' property, which also includes an open ground.

The plea of the learned counsel for the petitioner is that the local residents have been restrained from performing puja in the 'Debutter' property and that they have also been restrained from utilizing the ground for the purpose of puja pandal.

This plea has been opposed by the respondents by submitting that civil dispute is pending.

Having heard the learned counsel for the parties and on perusal of the record, it is noticed that at the

instance of the private respondents herein one Title Suit being T.S. No.512 of 2021 is pending before the Civil Judge (Junior Division) at Baruipur, South 24 Parganas.

Learned counsel for the petitioner has not disputed that the petitioner is one of the defendants in that suit. The suit is for declaration of title and permanent injunction. The issue of title, which is raised here, is involved in the pending suit. Thus, it is clear that by way of this public interest petition the petitioner is espousing his personal cause, which cannot be permitted.

The record further reflects that the private respondents had approached the Writ Court by filing WPA 3764 of 2022 seeking direction to the police authorities for the alleged police inaction and the learned Single Judge had disposed of the petition by order dated 16.06.2022 by observing that such an issue relating to right over the property or its disturbance can be agitated and decided in the Civil Court.

Learned counsel appearing for the State has also filed the report in the form of communication dated 09.09.2022 sent by the Inspector of Police, Inspector-in-Charge, Narendrapur Police Station, Baruipur Police District, South 24 Parganas, to the learned Government Pleader disclosing that the dispute is pending between the petitioner and the private

respondents since long and several criminal proceedings have already been initiated.

In view of the aforesaid circumstances of the case we are of the opinion that the petitioner has the option to obtain appropriate order from Civil Court. For such an issue, we do not find any ground to entertain the present public interest petition, which is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)