

WPA 20611 of 2022

Palash Kumar
Vs.
The State of West Bengal & Ors.

Adv. Rajib Kumar Basu,
...for the petitioner.
Adv. Srikanta Paul,
Adv. Suchana Bandyopadhyay,
...for the private respondents.
Adv. Chandi Charan De,
Adv. Reshmi Rahaman,
...for the State.

Affidavit in opposition filed by the private respondents and the affidavit in reply filed thereto by the petitioner are taken on record.

The petitioner alleges that the private respondents have not only encroached upon a portion of PWD land but have also sold out the same in favour of third parties. The egress and ingress of the petitioner has been affected thereby.

Per contra, learned counsel for the private respondents refers to a Title Deed dated 20th March, 1967 and submits that the respondents have acquired title and possession in respect of a portion of the plot in question and the remaining part may have been acquired by the State. The private respondents have sold out their portion of the plot in question.

The petitioner has primarily challenged the transfer of the property by the private respondents by virtue of the

alleged deed which, according to the petitioner, is forged and fraudulent.

There are several factual disputes between the parties which have to be dealt with by a civil court. The writ petition, in its present form, is not maintainable in view of such fact and also since the deed executed by the private respondents is primarily under challenge.

Accordingly, the writ petition being WPA 20611 of 2022 is dismissed on the maintainability issue.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)