

10.11.2022
Court No.13
Item No.38
AP

WPA 21554 of 2022

**Sri Pravash Ranjan Pattanayak and Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Kallol Bose
Mr. Sougata Mitra
Mr. A. Dhar
Mr. Rameswar Sinha
Ms. Ankita Dey

... For the Petitioner.

Ms. Tuli Sinha

... For the State.

Mr. Sudeep Sanyal
Mr. Sukanta Das

... For the Respondent Nos.6 & 7.

The petitioners complain that the private respondents have illegally dispossessed him. It is submitted that the land stands in the name of the petitioners.

The private respondents submit that while the land may be in the name of the writ petitioners, the house was built by them.

Learned counsel for the State has produced a report in the form of instructions dated 21st September 2022 issued by the Officer-in-Charge, Kharagpur Local Police Station, Paschim Medinipu addressed to the learned Government Pleader and the same is taken on record.

It appears from the instructions that charge sheet has been filed on the compliant of the

petitioners. Likewise the private respondents have also filed a complaint against the writ petitioners which are pending investigation.

There is also an FIR under the POCSO Act in which the petitioners have been enlarged on bail.

There is admittedly a civil suit between the parties, being OS No.104 of 2021 before the Learned Civil Judge (Junior Division), 2nd Court, Paschim Medinipur, pending with regard to the occupation, right, title and interest of the said property.

By an order dated 4th April 2022 in Misc. Appeal No.16 of 2021 arising out of the said civil suit, learned District Judge, Paschim Medinipur has ordered injunction against the writ petitioners from interfering with the possession of the private respondents.

Counsel for the private respondents have also placed an order of a Coordinate Bench in WPA No.13362 of 2021 allowing electricity to him.

In view of the above facts, this Court is of the view should be decided in the pending Civil Suit. It would be grossly inappropriate for a writ court to enter into the said dispute or permit the writ petitioners to enter into the property.

The rights of the parties shall abide by the result of the said pending civil suit.

With the aforesaid observations, the writ petition is disposed of without any further orders.

There shall 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.)