

30.09.2022.
Court No.13
Item No. 50
ap

W.P.A. No. 22453 of 2022

**Bela Roy
Versus
The State of West Bengal & Ors.**

Mr. Kumar Jyoti Tewari,
Mr. Aniruddha Tewari.

...For the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner is aggrieved that the private
respondents are holding a Puja on his land.

Admittedly, the petitioner had given permission
for holding such Puja in the last 5 to 6 years.

The electric supply and the Sub-Divisional
Officer have accordingly given permission to hold such
Puja. The holding of Puja cannot create any special
equity in favour of the party in the property in
question.

It is submitted that there is a title suit pending
with regard to the property.

This Court is of the view that title of the property
shall be decided in the said title suit. On the
allegations of assault on the petitioner, the police have
conducted investigation and taken out appropriate

proceedings under Section 107 of the Code of Criminal Procedure.

The Inspector-in-charge, Nakashipara Police Station shall, however, ensure that there is absolutely no breach of peace in the area and shall continue to maintain a constant vigil thereat.

Since no affidavits have been called for by this Court, the allegations in the writ application shall not be deemed to have been admitted by any of the respondents.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)