

November 21, 2022
Sl. No. 18
Court No.1
s.biswas

WPA (P) 550 of 2022

*Kona Malik Para Nagarik Welfare Samity and another
vs.
The State of West Bengal and others*

Mr. Anil Kumar Chattopadhyaya, Advocate
... for the petitioners

In this public interest petition the petitioners have raised a plea that one Tarak Mohan Das, son of Late Haripada Das was the absolute owner and occupier of the property in question, details of which are disclosed in paragraph 2 of the petition and that said Tarak Mohan Das had no heirs and successors and that on his death his last rites were performed by the petitioners. The petitioners are claiming the land in question for the purpose of construction of a college and their plea is that one Madan Mohan Das, son of Late Lalit Mohan Das, is claiming himself to be the nephew of the deceased and has filed a Mutation Case. The pleadings also reveal that a Title Suit No.194 of 2010 was filed which resulted in compromise and now the petitioners are claiming that Madan Mohan Das is not the heir and successor of the deceased Tarak Mohan Das.

All these issues are factual issues, which need to be established by leading evidence before the appropriate Court. For such civil dispute or factual dispute, public interest petition is not the proper

remedy, therefore we do not find any ground to entertain the present public interest petition, which is accordingly dismissed with liberty to the petitioners to approach the appropriate forum/Court.

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.)