

01.08.2022
Aloke
Item no.28

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction**

MAT 32 of 2022

Sathi Chakraborty & Ors.
-versus
The State of West Bengal & Ors.

Mr. Deborshi Dhar
..... for the appellants

This appeal is directed against an order dated 28th February, 2022 (the order). The disputes raised in the writ petition pertain to Rs Plot No.1074, RS Khatian No.7152, CS Plot No.621, CS Khatian No.3451 converted to Khatian No.7154 in the District-Jalpaiguri, Block-Sadar, Mouza-Kharia, Sheet-25 (hereinafter referred to as the subject premises).

The petitioners contend that they are the owners of the subject premises and had engaged a developer to develop and construct the subject premises. By a communication dated 15 February, 2021 the Chief Executive Officer of the Board of Auqaf, West Bengal has inter alia intimated the District Magistrate, Jalpaiguri and the Superintendent of Police, Jalpaiguri that the property is recorded in the name of Sonaula Wakf Estate vide EC No.1464 and no permission should be granted insofar as any kind of construction is concerned at the subject premises.

By the impugned order, the writ petition has been dismissed primarily on the ground that the disputes sought to be raised in the writ petition are civil in nature and require adjudication of complicated questions of facts and law. Accordingly, the same cannot be decided by the Writ Court.

We are of the view that there is no infirmity in the impugned order. In passing the impugned order, the Learned Judge has exercised her discretion in not entertaining the writ petition primarily on the ground that civil disputes pertaining to the title of the subject premises cannot be adjudicated by the Writ Court.

Accordingly, we find that there is no perversity nor unreasonableness in the exercise of discretion by the Learned Trial Court in the facts and circumstances. Thus, we do not find any ground to interfere with the impugned order. Accordingly, the appeal stands dismissed. However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Bivas Pattanayak, J.)

(Ravi Krishan Kapur, J.)