

11.04.2023.
Court No.13
Item No. 12
ap

W.P.A. No. 246 of 2023
Masud Sk.
Versus
The State of West Bengal & Ors.

Mr. Jayanta Samanta,
Mr. Sarwar Jahan.

...For the petitioner.

Mr. Santanu Kumar Mitra,
Ms. Rama Halder.

...For the State.

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

The petitioner complains that the private respondents are constructing their house over his land. The land is admittedly not demarcated.

The petitioner claims to have purchased 9 decimals out of 41 decimals of the land. The private respondents claim to have 17 decimals of the land.

Unless the property is appropriately demarcated and partitioned, it would be inappropriate for a Writ Court to permit the petitioner to effect any construction.

In any event, there is a partition suit being T.S. No. 31 of 2021 now pending before the learned Civil Judge (Senior Division), Jangipur. The petitioner may apply for appropriate relief in the said partition suit to enable him to effect construction on the property. If such application is made the same be considered strictly in accordance with law by the Civil Court.

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.)