

Dd 14 12.06.2023

WPLRT 26 of 2023

**Joydeb Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Swapan Kr. Mazumder,
Mr. Saptarshi Mazumder, Advocates
... .. For the Petitioners

Mr. Sirsanya Bandopadhyay, Id. JSC
Mr. Arka Kumar Nag, Advocates
... .. For the State

Mr. Sabyasachi Mukhopadhyay,
Ms. Koushikee Banerjee, Advocates
... ...For the respondent nos. 4 to 14

The writ petition is directed against an order dated December 15, 2022 where the original application was rejected.

The writ petitioners approached the tribunal for the purpose of correcting the Record of Rights on the basis of CS Record of Rights.

Learned advocate appearing for the petitioners submits that the learned tribunal erred in holding that the three Acts operated in different fields. He submits that the prayer was only for the correction of CS Record of Rights. The petitioners are the rightful owners of the immovable property. Petitioners are in possession of the immovable property.

State and the private respondents are represented.

Learned advocate for the State produces a mouza map as directed by the order dated June 5, 2023.

Learned advocate for the private respondents submits that there was a suit filed prior in point of time which was withdrawn by the writ petitioners. He submits that there are both title and possession disputes with regard to the immovable property concerned. According to him, till such time a civil Court of competent jurisdiction adjudicates upon the title disputes and the right of possession in respect of the immovable property concerned, the concerned BL & LRO should not be directed to correct the CS Record of Rights in the manner as prayed for by the writ petitioners.

Apparently, there are rival claims amongst private parties with regard to an immovable property concerned. The petitioners seek correction of CS Record of Rights in respect of the immovable property over which, the private parties claim right, title and interest contrary to each other. Such right, title and interest are yet to be settled by a civil Court of competent jurisdiction.

In such circumstances, we find no illegality in the impugned order.

WPLRT 26 of 2023 is, accordingly, **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)