

01.03.2023
Court No.13
Item No.11
AP

WPA 5486 of 2022

**Chhanda Majumder
Vs.
The State of West Bengal & Ors.**

Mr. Amlan Biswas

... For the Petitioner.

The petitioner complains that the private respondent is obstructing use of a common passage. The petitioner had complained to the Nazirgunj P.S. under Sankrail Police Station.

The Sub-Inspector of Police, Detective Department (Previously of Nazirgunj I/C under Sankrail Police Station), Howrah Police Commissionerate has filed a report dated 22nd February, 2023 and the same is taken on record.

It appears from the report that Title Suit No.165 of 2021 is pending before the learned Civil Judge (Junior Division), 5th Court at Howrah, in which an order of status quo has been passed.

Counsel for the petitioner has not mentioned the same in course of oral argument. After being questioned he stated that the pendency of the civil suit is mentioned in paragraph 5 of the writ petition.

In view of the pendency of the civil suit no relief can be granted to the petitioner. The dispute is purely civil in nature.

This Court notes that the matter has been listed under the heading “Senior Citizen”, which essentially deals with the rights of Senior Citizens under Article 21 of the Constitution of India.

In view of the conduct of the petitioner as is described hereinabove, this Court directs the petitioner to pay costs assessed at Rs.5,100/- to the High Court Legal Services Authority.

With the aforesaid directions, the writ petition shall stand dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)