

Item No. 27

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

07.12.2023
Ct-24

WPA 7661 of 2023
Deb Kumar Thakur

v.

The State of West Bengal & Ors.

Mr. Ashis Kumar Dutta
... for the petitioner.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
... for the Bally Municipality.

Mr. Somnath Ghoshal
Mr. Amar Krishna Saha
Mr. Shibu Sikdar
Mr. Satyajit Senapati
Mr. Rahul Nag
... for the respondent no. 6.

The petitioner claims to be a licensee and occupier of the premises no. 17, Dharmatala Road, P.O.- Belur Math, Police Station- Belur, District- Howrah within the jurisdiction of the Bally Municipality. His grievance is that the private respondents are making construction by forcefully ousting the petitioner from the subject premises. On the said issue a title suit has been filed by the petitioner and the same is pending consideration before the learned Court below.

On refusal to pass ex parte order of injunction, the petitioner approached this Court by preferring appeal and the Hon'ble Division Bench of this Court in FMAT 152 of 2023 along with IA No. CAN 1 of 2023 passed order on August 30, 2023 requesting the learned Trial Court to dispose of the application for injunction filed by

the petitioner after exchange of affidavits and after affording opportunity of hearing to the respective parties.

It appears that from the documents placed before this Court that the petitioner has already been ventilated his grievances before the learned Civil Court. The Hon'ble Division Bench of this Court has passed order by adequately protecting the right of the petitioner. There is no requirement of entertaining the present writ petition and passing any further order.

The writ petition, accordingly, stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)