

WPA 8783 of 2022

Usha Rani Banik & Ors.
Vs.
The State of West Bengal & Ors.

Adv. Sujit Saha,
Adv. Subhra Banik,

...for the petitioners.

Adv. Sutapa Sanyal,
Adv. Susnita Saha,

...for the State.

Affidavit of service filed by the petitioners is taken on record.

None appears for the 4th respondent despite service.

The petitioners have prayed for issuance of a writ of mandamus directing the respondents not to disturb the peaceful possession of the petitioners in respect of the plot in question. It is submitted on behalf of the petitioners that a Title Suit praying for decree for declaration and injunction in respect of the property which is the subject matter of the writ petition filed by the petitioners against the private persons is pending before the civil Court and since the Government authority are trying to disturb their peaceful possession in respect of the said property, the petitioners have filed an application before the civil Court for addition of the Government respondents in the said suit. The said petition is pending.

Learned counsel for the State respondents challenges the maintainability of the writ petition on the ground that a

similar issue is pending for consideration before the civil Court.

In view of the above, the petitioners seek liberty to withdraw the writ petition and ventilate their grievance in the civil suit before the civil Court.

Accordingly, the writ petition being WPA 8783 of 2022 is dismissed for non-prosecution.

Liberty is granted to the petitioners to approach the civil Court for redressal of their grievance.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)