

18.09.2023
rc/ct.no.10
Item No.19

WPA No. 12856 of 2023
Biswajit Mondal
Versus
The State of West Bengal & Ors.

Md. Hasanuz Zaman ...for the petitioner

Mr. Jahar Dutta
Mr. Bipin Ghosh
Mr. Dipankar Ghosh ...for the State

Mr. Sabyasachi Mondal
Ms. Payel Khanra
...for the respondent nos. 7 & 8

Mr. Sayan Mukherjee
Ms. Puja Naskar
...for the respondent nos. 12 & 13

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

None appears for the respondent nos. 9, 10 and 11 despite service.

Heard learned counsels for the parties.

The petitioner primarily challenges the transfer of plots in question in favour of the private respondents by the original sebaits thereof on the ground that the plots were acquired by the State Government for public use earlier.

The private respondents, on the other hand, claims to have acquired title in respect of the plots in question by virtue of a deed of gift executed in their favour.

Since the deed of gift executed by the original sebaits is primarily challenged by the writ petitioner which also

includes challenge to the title of the private respondents in respect of the plots in question, the dispute between the parties is purely civil in nature and needs to be determined by the Civil Court.

This Court in exercising extraordinary jurisdiction under Article 226 of the Constitution of India has no authority to determine the title in respect of the plots in question.

In view of the above, the writ petition is dismissed being not maintainable.

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)