

Item No.27

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

08.12.2023
Ct-24

WPA 14848 of 2023
Saraswati Basak & Ors.

v.

The State of West Bengal & Ors.

Mr. Anirban Mitra
Mr. Madhumita Sadhukhan
Mr. Amit Roy
... for the petitioners.

Mr. Mrityunjoy Goswami
Mr. P. Goswami
... for the respondent nos. 2 & 3.

Mr. Soumik Ganguli
Ms. Chandana Chakraborty
... for the respondent no. 4

The petitioners complain that the private respondent is making construction in violation of the status quo order passed by the learned Civil Court in a partition suit pending in between the petitioners and the private respondent.

Learned advocate representing the private respondent submits that construction is being made in accordance with the plan sanctioned by the Madhyamgram Municipality

It appears from the submissions made on behalf of the parties that a civil suit for partition is pending before the Civil Court and the learned Court was pleased to pass an order of status quo. If there is any violation of the order of status quo, it is open for the parties to bring the same to the knowledge of the Court by filing appropriate application.

The writ Court will not be proper forum to adjudicate the dispute.

Neither the Municipality be the appropriate authority to enter and adjudicate the dispute in between the parties.

In view of the above, the writ petition stands disposed of leaving it open to the parties to approach the learned Court whether the suit is pending for necessary relief.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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.)