

10.08.2023
Item No.9
gd/ssd

MAT/1214/2023
CAN/1/2023
PAGLACHANDI MATSYAJIBI
SAMABAY SAMITI
VS
PRODIP BANERJEE AND ORS.

Mr. Uddipan Banerjee
..for the Appellant.

Mr. Amitesh Banerjee,
Mr. Tarak Karan
..for the State.

Mr. Soumya Majumdar,
Mr. Soumalya Ganguli,
Mr. Sutanu Chakrabarti
..for the Respondent Nos.1 and 2.

1. This intra court appeal is at the instance of the 6th respondent in WPA 11857 of 2023.

2. Being aggrieved by an order dated 15.05.2023, the writ petition was filed by the 1st respondent herein seeking for appropriate directions so that the possession of the immovable property in question can be protected as the writ petitioners had the benefit of a decree passed by the civil court which was affirmed in appeal.

3. The grievance of the writ petitioners was that the police authorities are preventing the writ petitioners from enjoying the said property.

4. The appellant is an association who claims that the land in question is a vested land. In any event this issue cannot be adjudicated in a writ petition.

Furthermore, we find that the claim of the writ petitioners was also noted by the civil court, namely, the Court of the Additional District Judge, Nadia, 3rd Court in its judgment dated 22.02.1995. Therefore, if the appellant has got any right over the property in question pursuant to any orders passed by the Government, it will be well open to the appellant to approach the concerned authorities or the appropriate forum to establish that right. The order and direction issued in the writ petition has worked itself out as police picketing was directed to be granted for a period of two months at the cost of the writ petitioners and the period of two months has already over.

5. Therefore, at this juncture, the question of any interference of the order passed in the writ petition which has worked itself out does not arise.

6. The appeal stands disposed of with the aforementioned observation.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)