

10.08.2023
Item No.14
gd/ssd

MAT/1243/2023
CAN/1/2023, CAN/2/2023
BANSGORA BOARD PRIMARY SCHOOL AND ANR.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Kallol Kumar Maity,
Mr. Sayan Mukherjee
..for the Appellants.

Mr. Supriyo Chattopadhyay,
Ms. Ira Dutta
..for the State.

Mr. Supriya Chattopadhyay,
Mr. Sudip Kumar Maiti
..for the Respondent No.7.

1. This intra court appeal is directed against the order dated 18.04.2023 in WPA 24556 of 2022.

2. The appellants/writ petitioners had filed the writ petition seeking for a direction upon the respondent police to evict the 7th respondent.

3. The learned Single Bench rightly dismissed the writ petition stating that such a direction cannot be issued in a writ petition.

4. The 7th respondent seeks to object the locus standi of the headmistress of the school to file the writ petition.

5. In any event if the dispute is with regard to whether the land in question has to be exclusively enjoyed by the school or not is a matter which has to be decided by the appropriate authority of the District Administration especially when the 7th respondent

claims that they have put up the construction for the school building. In any event if the appellants have any grievance, it will be well open to the appellants to approach the 2nd respondent by way of a representation and if such representation is given, the 2nd respondent shall consider the same in accordance with law after notice to the appellants and the 7th respondent.

4. Accordingly, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)