

01-05-2023
ct no. 13
sl. 2+3
sp

WPA 19428 of 2022

Biplab Dutta & Ors.

-Versus-

The State of West Bengal & Ors.

With

WPA 17207 of 2022

Anu Mukherjee & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. S.P. Lahiri,
Mr. Abdus Salam,
Ms. Roshni Ghosh

...for the petitioner

Mr. Lalit Mohan Mahata, Id. A.G.P.,
Mr. Prasanta Behari Mahata

...for the State

Mr. Arijit Sarkar

...for the added respondents

Mr. Allen Felix

...for the petitioner (in WPA 17207 of 2022)

Mr. Ansar Mondal, Id. A.G.P.,
Ms. Srilekha Bhattacharyya

..for the State (in WPA 17207 of 2022)

1. Police have filed a report dated April 19, 2023, which is taken on record.
2. It appears from the report that the boundary wall has since been constructed.
3. The other writ petition being WPA 17207 of 2022 has also been listed and has been filed by the another person claiming to be a co-sharer in the property.

4. There is a third person, who has filed an application for addition of parties before this Court and claimed intervention in this proceeding. They claim that they are the co-sharers along with Biplab Dutta.
5. Let a copy of the said application be given to the counsel for the petitioner.
6. The Registry shall give a number to this CAN application and formally receive it.
7. By consent of the parties, this application is treated as day's list.
8. The said application for addition of parties is allowed.
9. Let Sri Kalyan Banerjee, Smt. Minati Banerjee, Sri Ranjan Banerjee, Smt. Mili Chatterjee and Smt. Soumi Banerjee Ghosh be added as party respondents to the two writ petitions.
10. Learned Advocate on record for the petitioner shall carry out the amendment in the cause title in course of the day.
11. The Writ Court cannot enter into the mutual rights in the property between the petitioner and the private respondents and the added respondents.

12. Admittedly, there is title suit being T.S. 512 of 2022 pending before the learned Civil Judge (Jr. Division), 2nd Court, Burdwan, filed by one Shri Shankar Mukherjee against Biplab Dutta and others.
13. Having heard the learned counsel for the parties, this Court directs that the boundary wall shall be treated only as an interim measure and temporary construction. The boundary wall and any demarcation within or outside the boundary wall shall abide by the result of the aforesaid T.S. 512 of 2022 or any other civil proceeding that the respondents and added respondents and impleaded respondents may file in respect of the property in question.
14. In the event of any specific order that may be passed in course of final adjudication of the aforesaid civil suit or any other civil suit in respect of the same property, the boundary wall shall be accordingly dealt with by the Court and the parties.
15. With the aforesaid observations, both the writ petitions shall stand disposed of.
16. There shall be no order as to costs.

17. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)