

WPA 18488 of 2023

Lal Mohan Dolai @ Lal Dolai
-vs-
The State of West Bengal & ors.

Mr. M. L. Podder
Mr. Sanjoy Ghosh
Mr. Saheb Mallick

....for the petitioner
Mr. Saibal Kumar Acharyya
Mr. Pradip Paul
Ms. Renesa Dey
..for the private respondent nos. 6 -13
Mr. Wasim Ahmed
Mr. Sk. Md. Masud
...for the State

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

Learned counsel appearing on behalf of the petitioner submits that the petitioner's land has been taken away illegally by the private respondents.

Learned counsel appearing on behalf of the private respondents submits that they had constructed a park on the Government land.

Learned counsel for the State submits as follows. The land in question actually belongs to the Government which was given to the Municipality and the municipal authorities have constructed a children's park in the same. The petitioner has suppressed that he has filed a civil suit in this

regard in the month of May, 2023 and has failed to obtain an Order 39 Rules 1 and 2.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears that the petitioner has already filed a civil suit claiming possession of the land in question by filing OS No. 314 of 2023 before the learned Civil Judge, Jr. Division, 2nd Court, Paschim Medinipur. The same is still pending.

Any of the aggrieved parties shall be at liberty to pray for appropriate relief before the learned Civil Court.

There is hardly any interference that this Court sitting in the writ jurisdiction having determination of police inaction ought to make in this matter.

No further order need be passed.

The writ petition is disposed of without any costs.

Since affidavits were not called for, allegations are deemed not to have been admitted.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)