

27.02.2023
Court No.13
Item No.16
pk

WPA 20313 of 2022

**Ashmat Jahan
Vs.
The State of West Bengal and Ors.**

Md. Hossain

... for the Petitioner.

Mr. Nayan Behani,
Ms. Tanushree Dasgupta

....for the K. M. C.

Mr. Mir Anuruzzaman

... for the respondent nos. 7 to 9.

The petitioner seeks a direction on the police to assist him in restoring water supply to his premises. There is admittedly T. S. No. 1774 of 2018 pending before the Third Civil Judge (Junior Division) at Alipore for eviction of the petitioner by the private respondents. A similar application for help has been filed in the court below by the defendants in the said suit.

Counsel for the private respondents also refers to a decision of this Court dated 11.04.2022 in WPA 4243 of 2022 between the same parties in which the writ petition was disposed of reserving liberty to approach the court below. The propriety of filing of the instant writ petition is not understood.

Counsel for the private respondents also submits that they had not received any notice of upgradation of the instant writ petition and have appeared by noticing the same in the cause list.

This Court is of the view that the writ petition is gross abuse of process of law.

In those circumstances, the instant writ petition is dismissed with costs assessed at Rs.9,500/- payable by the petitioner to the appearing respondents in equal share.

The instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)