

16.11.2023
Item No.8
gd/ssd

MAT/1652/2023
IA NO: CAN/1/2023
SRI UTSAB BISWAS
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sukanta Ghosh
..for the Appellant.

1. This intra court appeal by the writ petitioner is directed against the order dated 13th July, 2023 in WPA 16243 of 2023.

2. The case of the appellant is that there is a landed property in which the appellant has a share and a partition suit is pending in which there are certain interim orders.

3. It appears that one of the co-sharers has executed a gift deed in respect of a portion of the property in favour of the Block Development Officer, Bagdaha/4th respondent and construction is being put up by the Block Development Officer for establishing a health centre.

4. With this grievance, the petitioner approached the learned writ court.

5. The writ petition was disposed of by granting liberty to the appellant to approach the civil court where the partition suit is pending, seeking an impleadment of the alleged donee of the property from

the defendants and seek appropriate interim relief as against the added respondent.

6. In our view, the order and direction issued by the learned writ court is perfectly in order and there is no ground to interfere with the said order all that we can observe is that since the Block Development Officer is not a party to the partition suit, any interim orders granted therein may not be binding upon the Block Development Officer. Therefore, the appropriate course to be adopted by the appellant is to implead the Block Development Officer/the donee of the property in question and seek for appropriate interim protection. In the event such application is filed, the learned trial court is directed to consider the said application on merits and in accordance with law as expeditiously as possible.

7. With the above observations this appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)