

08.06.2023.
Court No.13
Item Nos. 284 & 285
ap

W.P.A. No. 23154 of 2022
Sundari Naskar
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 18822 of 2022
Chinibas Mondal
Versus
The State of West Bengal & Ors.

Mr. Anjan Dutta,
Mr. Tamal Ghosh.
...For the petitioner in WPA 23154 of 2022.

Mr. Dilip Kumar Shyamal,
Mr. Gourav Ghosh.
...For the respondent no.6 in WPA 23154 of 2022.

Mr. Dilip Kumar Shyamal,
Mr. Gourav Ghosh.
...For the petitioner in WPA 18822 of 2022.

Mr. Anjan Dutta,
Mr. Tamal Ghosh.
...For the respondent nos.6 to 10
in WPA 18822 of 2022.

Mr. Rajarshi Basu,
Mr. K.M. Hossain.
...For the State in WPA 18822 of 2022.

1. Affidavits-of-service filed in Court today be taken on record.
2. With the consent of the parties, the two writ petitions are taken up together since the subject matter is relating to same piece of land.
3. Sundari Naskar has filed a suit being Title Suit No. 184 of 2021 before the learned Civil Judge (Junior Division) 2nd Court, Baruipur, South 24 Parganas in which an order of status quo has been passed on 20th March, 2021.

4. The private respondents, namely, Chinibas Mondal has also filed another suit being Title Suit No. 516 of 2021 before the learned Civil Judge (Senior Division) 2nd Court, Baruipur, South 24 Parganas in which an order of status quo has been passed in respect of the very same land against Sundari Naskar on 30th November, 2021.

5. In both the suits, Basanti Police Station has been directed to enforce the order of status quo.

6. It is difficult for the police to determine as to whether, who is exactly in possession of the property.

7. This Court is of the view that the interest of justice would be served if Title Suit No. 184 of 2021 is directed to be transferred from the learned Civil Judge (Junior Division) 2nd Court, Baruipur, South 24 Parganas to learned Civil Judge (Senior Division) 2nd Court, Baruipur, South 24 Parganas for being tried and heard analogously being Title Suit No. 516 of 2021.

8. Basanti Police Station shall file a report before the transferred Court i.e. Civil Judge (Senior Division) 2nd Court, Baruipur, South 24 Parganas as regards the current status of the land and who is in possession and as to whether there is joint possession and to what extent.

9. The aforesaid order is passed by the consent of the parties. The parties may apply before the Court

below for any further interim relief or modification of the existing interim relief.

10. The learned Civil Judge (Senior Division) 2nd Court, Baruipur, South 24 Parganas shall attempt to dispose of the said two suits within a period of six months from date.

11. Basanti Police Station shall strictly comply with any other passed specifically on them by the Civil Court. Basanti Police Station shall ensure that there is no breach of peace in the area.

12. It is submitted that the respondent no.6 in W.P.A. No. 18822 of 2022 has died during the pendency of the writ petition.

13. The parties may take appropriate steps in the Court below in accordance with law.

14. With the aforesaid directions, the instant writ petitions are disposed of.

15. There will be no order as to costs.

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

(Rajasekhar Mantha, J.)