

17-05-2023
ct no. 13
Sl. 351
pk

WPA 25397 of 2022

Ayes Mallick & Anr.

-Versus-

The State of West Bengal & Ors.

Mr. Balai Lal Sahoo,
Mr. Sankha Prasad Ray

... for the petitioner

Mr. Wasim Ahmed,
Mr. T.A. Khan

... for the State.

Mr. Mrinal Kanti Ghosh

... for the respondent nos. 5 and 6

1. Affidavit of service filed in Court today is taken on record.

2. The petitioners and the private respondent no. 5 are brothers.

3. A partition suit is pending between them. Subject to the final decision of the partition suit, the petitioners have been allowed by a Coordinate Bench to effect construction on the property. The petitioners had undertaken to demolish the property, in the event any portion of the construction would fall within the rights of the private respondents.

4. The petitioners seek enforcement of such order.

5. This Court is of the view that since the partition suit is pending and demarcation of the

property between the petitioners and the private respondents had not occurred, an order to enforce the order of the Coordinate Bench, cannot be passed on the police in favour of the petitioners.

6. The writ petition is thus disposed of.

7. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)