

14-03-2023

ct no. 13

sl. 5

sp

WPA 25824 of 2022

Sk. Sarajul

-Versus-

The State of West Bengal & Ors.

Mr. Krishna Deo Das

...for the petitioner

Mr. Subhabrata Dutta,

Mr. Sanatan Panja

...for the State

Mr. Basudeb Patra

...for the respondent nos. 6 and 7

The petitioner complains that the private respondents are effecting construction encroaching upon his land and a common pathway.

Counsel for the private respondents submits that a civil suit being T.S. No. 54 of 2022 has been filed before the learned Civil Judge (Jr. Division), Dantan, Paschim Medinipur against the petitioner in respect of the property in question and his right in respect of the pathway.

The petitioner has also filed a suit being T.S. 101 of 2022 against the private respondents.

This Court is of the view that the issue is purely civil in nature. The petitioner's prayer for

injunction restraining the private respondents from effecting construction is not maintainable.

The writ petition is clearly in abuse of process of law and hence the writ petition is dismissed with cost assessed at Rs. 5,100/- payable by the petitioner to the Dantan Police Station.

The Dantan Police Station, Paschim Medinipur shall, however, ensure that there is absolutely no breach of peace in the area and comply strictly with any order that may be passed by the Civil Court.

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

(Rajasekhar Mantha, J.)