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03.10.2023
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W.P.A. 26349 of 2018
(Sanat Kr. Halder vs. State of West Bengal & Ors.)

Mr. Asif Hossain
Mr. Subhankar Chakraborty
Mr. Saptarshi Bhattacharjee
Ms. Ruchira Manna

.... For the Petitioner

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal

.... For the State

Heard learned counsels for the parties.

The petitioner has assailed the notice issued upon him by the Sub-Divisional Magistrate, Durgapur on 20th December, 2018 requesting him to appear before the authority for hearing with regard to an eviction drive in respect of the property occupied by him. The petitioner claims title in respect of the plot in question by virtue of adverse possession. His claim for adverse possession is pending adjudication before the civil Court, as submitted by learned counsel for the petitioner. The dispute is purely civil in nature. Whether the petitioner has acquired any right in respect of the property in question by virtue of adverse possession is required to be adjudicated upon evidence being adduced. Such adjudication cannot be made by a writ Court in exercising extraordinary jurisdiction under Article 226 of the Constitution of India.

In view of the above, this Court is inclined to hold that the writ petition is liable to be dismissed, being not maintainable.

Accordingly, W.P.A. 26349 of 2018 is dismissed.

There shall however, no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)