

17-04-2023

ct no. 13

sl. 52

sp

WPA 28972 of 2022

Nirmal Pal & Ors.

-Versus-

State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Mr. Ramij Munsi,
Mr. Rittick Chowdhury

...for the petitioners

Mr. Amitesh Banerjee, ld. Sr. St. Counsel,
Mr. Suddhadev Adak

...for the State

Mr. Soumik Ganguli,
Mr. S. Nandy

...for the respondent nos. 4 to 9

1. The petitioners claim rights in respect of a property over which the private respondents also claim a right to use as a football ground and to hold festivals thereat.

2. Admittedly, T.S. 505 of 2021 has been filed by the private respondents against the petitioners.

3. The petitioners in turn have filed written statement and counter claim seeking a declaration that the petitioners are the owners in respect of the suit property. Eviction of the private respondents has also been sought by the petitioners.

4. In the backdrop of the above, this Court is of the view that unless the Civil Court decides right, title and interest in respect of the said property, it would be

grossly improper for the police to allow any construction over the property.

5. The petitioners may seek appropriate relief in the Civil Court.

6. With the aforesaid observations, the instant writ petition shall stand 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.)