

18. 04.09.2023
bd. Ct.15

WPA 31007 of 2017

Ashok Bhunia & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Snehasis Jana ... for the petitioners.

Mr. Lalit Mohan Mahata

Mr. Rudranil De ... for the State.

Affidavit of service filed on behalf of petitioners is taken on record.

Petitioners by filing the present writ petition has prayed for demolition of the construction allegedly made without obtaining sanctioned plan from the concerned municipality by the private respondents and it has also been alleged in this writ petition that the land of the petitioners have been encroached while making the constructions therefore on demolition of the constructions the land in question needs to be handed over to the petitioners.

Today matter is heard in presence of the learned advocates representing the petitioners and the State respondents.

It appears from paragraph 8 of the writ petition that a Title Suit was instituted before the Learned Civil Judge (Junior Division), Ghatal, being Title Suit No. 87 of 2017 against the private respondents and an interim order of injunction was passed on 15th September, 2017 whereby the parties to the suit were directed to maintain status-

quo.

This Court fails to understand why after an interim order was obtained on 15th September, 2017 the present writ petition was instituted on 19th December, 2017 which has caused multiplicity of proceedings.

In view of aforesaid facts the writ petition stands dismissed.

However, dismissal of this writ petition does not preclude the petitioners from pursuing the remedy in connection with the suit, which has already been instituted before the civil court.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)