

**WPA 3335 of 2024
with
CAN 1 of 2024**

Sk. Nagir Hossein

-vs-

The State of West Bengal & ors.

Mr. Dhiraj Trivedi

Mr. Kingsuk Mondal

Mr. Pradip Kumar Kundu

...for the petitioner

Mr. Supratick Shyamal

...for the respondent nos. 4 to 9

Mr. Rajarsi Basu

Mr. Shehnaz Tareq Mina

...for the State

Affidavits of service filed on behalf of the petitioner are taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. It was never the petitioner's case that the petitioner had been dispossessed by the respondents from the property in question. However, by way of a passing remark, this Court observed that if the petitioner wanted to claim possession to the property which he had recently purchased from the vendor, he would be at liberty to approach the Civil Court. This created a confusion and needed to be clarified.

Learned counsel appearing on behalf of the State opposes the prayer and refers to Paragraph 5 of the writ petition. At the end of the Paragraph, it is stated true to information derived from the relevant records, "....then due

to fear of private respondents your petitioner left the place”.

At this stage, learned counsel appearing on behalf of the petitioner submits that the averment only indicted that for the moment, the petitioner had left the place.

In such event, it should have been clarified at a subsequent Paragraph that the petitioner had left for the present and had come back by retaining possession of the property in question.

Be that as it may, orders are passed not only the pleadings but also on submissions made by the learned counsels for the parties in Court. Right now, there is no way by which this Court can find out whether the submissions recorded of the learned counsel for the petitioner were correct or not.

The averment as indicated by the learned counsel for the State only go to support the recording of submissions in the order dated 07.03.2024.

Therefore, I do not find that any case has been made out for review or clarification of the order.

Accordingly, the application is dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)