

Sl.No.

48 18.11.2024

*Court
No. 35*

G.S.Das

WPA 4049 of 2024

Sova Rani Dutta & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Malay Bhattacharyya

Mr. Pradip Paul

Ms. Renesa Dey

... for the Petitioner

Mr. Swapan Banerjee

Mr. Simanta Kabir

... for the State respondent(s)

Mr. Rabindranath Mahato

Mr. Aritra Shankar Ray

... for the respondent nos. 9-12

The petitioners have approached this court regarding the temporary construction which is being objected to by the private respondents.

The records of the case reflect that the petitioner earlier approached this court by way of WPA 16474 of 2022, wherein, there were specific directions passed by a Co-ordinate Bench by its

order dated 07.09.2022.

A Title Suit has already been instituted which is pending before the learned Civil Judge (Jr. Divn.), 3rd Court, Paschim Medinipur being T.S. No. 258 of 2022.

Learned advocate for the private respondent(s) submits that the respondent no.8, as referred to in the writ petition, has already expired. In spite of the same, he has been made a party. As such, the contentions advanced in the writ petition are frivolous.

Learned advocate for the State has submitted that the advocate commissioner is yet to submit his/her report before the learned civil court, as was earlier directed.

Be that as it may, the dispute between the parties are absolutely civil

disputes and the civil court is *in seisin* of the matter and/or the issues canvassed therein. This court, as such, is not in a position to invoke the power under Article 226 of the Constitution of India.

However, the police authorities would keep a strict vigil to ensure that no breach of peace and tranquility takes place at the locale in view of the petitioner and the private respondents being at loggerhead.

With the aforesaid observations, WPA 4049 of 2024 is disposed of.

Affidavit of service so filed be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

