

29.02.2024
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PG/KS
Ct. No.1

W.P.A.(P) 86 of 2024
Mahitosh Mandal & Ors.
Versus
The State of West Bengal & Ors.

Mr. Manish Kumar Das
.....for the petitioners
Mr. Saikat Chatterjee
.....for the State

1. The petitioners allege that the private respondents have illegally made a construction in the public pathway.
2. As rightly pointed out by the learned advocate for the State, title suit is pending between the parties and there appears to be an order of injunction granted by the civil court.
3. Thus, until and unless it is established that the land is a public land, the question of granting any direction would not arise.
4. Therefore, at this juncture, we are not inclined to entertain this writ petition as a public interest litigation.
5. With the above observations, writ petition stands dismissed.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)