

03.07.2024
Ct. No. 09
Item No.254
Cp

WPA No. 6598 of 2023

Mrityunjoy Dey & anr.
Vs.
Union of India & Ors.

Mr. P. K. Gupta
Mr. Syed Julfiker Ali

..... for the petitioners.

Mr. Somnath Mukherjee

.....for the Bank.

Ms. Tulika Banerjee

.....for the brother-in-law/intervenor.

There is no scope for interference at this stage.
A civil suit is pending with regard to various
properties over which there are rival claims.

Learned advocate for the petitioners fairly
submits that the gold ornaments which are lying in
the locker of the bank and in respect of which release
has been prayed for in this writ petition, are also
subject matters of the suit.

Under such circumstances, the writ court
cannot pass any directions upon the bank to release
the ornaments. The petitioners' remedy is available in
the suit. The petitioners are at liberty to make any
prayer before the learned civil court and the learned
civil court can decide such issue upon hearing all the
parties.

This court has also not expressed any opinion with regard to the rights of the rival parties in respect of the gold ornaments.

The brother-in-law who wants to intervene in this proceeding is not heard, as this court is not entertaining the prayers in the writ petition.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)