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17.09.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 7705 of 2024

**Surman Ali & Ors.
-versus
The State of West Bengal & Ors.**

**Ms. Nasreen Islam.
...For the Petitioners.**

**Mr. Ranjit Rajak.
...For the State.**

**Mr. Kamalesh Jha,
Mr. Md. Bani Israil.
...For the Respondent
Nos. 5 to 14.**

Heard submissions made on behalf of the parties.

Perused the report filed by the Officer-in-charge,
Lalgola Police Station signed on 22nd July, 2024.

It appears that the spot inspection in presence of both the parties was conducted. It was found that there was an old structure at the subject premises which has been demolished.

The title of the land where the subject structure was demolished is disputed. The petitioners and the private parties both claim ownership of the same.

Learned advocate appearing on behalf of the private respondents submits that the subject land is absolutely vacant.

The petitioners contend that the private respondents are using the said land for dumping building construction materials.

As it appears that there is a title dispute in respect of the subject land, accordingly, both the parties are restrained from encumbering and dealing with the subject land in any manner whatsoever.

It will be open for the parties to approach the competent civil court for declaration of their rights in respect of the subject land.

It has been brought to the knowledge of the Court that a civil suit filed by the petitioners stood dismissed and an appeal from the said order is pending disposal before the Learned Appellate Court. It will be open for the parties to get the appeal heard.

The Learned Appellate Court is requested to decide the appeal at the earliest without granting any unnecessary adjournment to either of the parties.

The police is directed to ensure that there is no breach of peace at the subject land. The parties are directed to strictly maintain the law and order and abide by the order passed by the Learned Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)