

April 16, 2024
ARDR (17)

WPA 10496 of 2023

Subhash Burnwal alias Subhash Barnwal
Vs.
The State of West Bengal & ors.

Adv. Subrata Bhattacharya,
Adv. Benazir Sk.

...for the petitioner.

Adv. Syed Nurul Arefin,
Adv. Syed Moyeerul Arefin,

...for the respondent nos. 3 to 6.

Since there is dispute with regard to the title in respect of the plot in question, the matter pertains to disputed questions of fact which need to be adjudicated by way of evidence to be adduced by the parties in support of their respective claims.

In view of the above, this Court is inclined to hold that the issue cannot be decided by the Writ Court in exercising extra ordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed as not maintainable.

However, the petitioner is at liberty to approach the appropriate forum for redressal of his grievance.

There shall however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)