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07.10.2024
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WPA 12424 of 2024

Kamal Krishna Kar
Vs.
The State of West Bengal & Ors.

Mr. Chandan Bhadury
Ms. Puja Das
... for the petitioner.

Mr. Amitesh Banerjee
Mr. Debangshu Dinda
... for the State.

The petitioner has prayed for issuance of a writ of mandamus directing the respondent authorities to maintain peace and tranquility and to restrain the private respondent from entering into Sri Jagannath Temple and from creating any nuisance therein and for a further direction upon the police authorities to provide safety and security while the petitioner enters into Sri Jagannath Temple to worship the deity.

The learned advocate appearing for the State files a report of the Inspector-in-Charge, Ketugram Police Station dated May 8, 2024, which is taken on record. It appears from the said report that the suit being T.S. No. 12 of 2024 was filed by one Namita Sarkar i.e. private respondent no. 10 herein and the petitioner has been

impleaded as the first defendant in the said suit. A copy of the order being no. 1 dated January 5, 2024 (later) has been annexed to the said report. It appears from the said order passed in T.S. No. 12 of 2024 that the plaintiff i.e. 10th respondent filed her Title Deeds in respect of the suit property and it revealed therefrom that the plaintiff along with the defendant no. 1 i.e. the petitioner herein got the suit property jointly by virtue of three Deeds. The learned Civil Judge noted that it is the allegation of the plaintiff i.e. the 10th respondent that the defendants are trying to oust her from the suit property so as to grab the temple, math and the income therefrom. The learned Civil Judge passed an ad-interim order of injunction restraining the defendants from dispossessing the plaintiff from the suit property forcefully and from disturbing the 'seva puja' of the plaintiff by changing the nature and character of the suit property till the next date. It appears that the defendant no. 1 i.e. the petitioner herein appeared in the said suit and prayed for time to file written application to the injunction application on March 21, 2024.

After hearing the learned advocates for the respective parties, it appears to this Court that there is a

dispute as to who has a right to perform the 'seva puja' of the deity. Such a dispute cannot be decided in a writ petition.

Since the title suit is pending and the defendant no. 1 i.e. the petitioner herein has already entered appearance in the said suit, the petitioner is left free to approach the Civil Court for proper reliefs in accordance with law. However, the Inspector-in-Charge, Ketugram Police Station is directed to ensure that no breach of peace takes place at the locale.

With the above observations, the writ petition stands disposed of.

There shall, however, be no order as to costs.

(Hiranmay Bhattacharyya, J.)