

05.11.2024

Item No. A-53

Crt.02

b.r.

WPA 12732 of 2024

Jamila Bibi

-vs-

State of West Bengal & Ors.

Mr. Sk. Mujibar Rahman

Mr. Shyak Mitra

.... For the petitioner.

Mr. Soumitra Bandyopadhyay

Mr. Subhasis Bandyopadhyay

.... For the State.

Mr. Soumik Ganguli

Mr. Samrat Kumar Das

Mr. Rohan Bavishi

... for the resp. nos. 5 to 7.

Affidavit of service filed in Court today, is taken on record.

The petitioner claims recognition of her share in a particular chunk of land which is classified as **Bali Khad** with the specific description of land as mentioned in **prayer-(a)** to the writ petition.

Considering the nature of land, its physical demarcation is not possible. Inasmuch as there is no conclusive evidence in the writ petition to show what is the quantum of share of the petitioner on the property.

In view of the above, unless the share of the petitioner is specifically determined and quantified, no

relief can be granted to the petitioner in the instant writ petition. Accordingly, this writ petition is **dismissed**, without any order as to costs.

However, dismissal of this writ petition shall not preclude the petitioner to initiate appropriate civil action before the jurisdictional Civil Court to ascertain and determine her share in the property and on the basis of the final adjudication of the Civil Court, the petitioner can claim her right, if any.

It is made clear that this Court has not gone into merits of the claim of the petitioner in any manner and in the event any civil action is initiated by the petitioner before the jurisdictional Civil Court, such civil action shall be proceeded in accordance with law and the jurisdictional Civil Court shall not be influenced by any observation made by this Court and shall proceed with the civil action independently.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)