

13th August, 2024
(D/L No.11)
Ct. No.21
(SKB)

WPA 13847 of 2023

Sk. Golam Mustakin and others
Versus
The State of West Bengal and others

Mr. Aswini Kumar Bera,
Mr. Arijit Bera
... for the petitioners.
Mr. Pinaki Dhole,
Mr. Partha Sarathi Sensharma
... for the State.

1. The learned counsel representing the State submits that during the year 1960 through a registered Deed of Sale registered in the office of the Sub-Registrar, Ballichak, Dist.-Midnapur and recorded in Book No.1, Volume No.74, pages 59-61 being no.4521 for the year 1960, the property wherein it has been alleged that illegal construction has been made, was sold by Laxmi Bibi on behalf of her son Sk. Taib Ali and on behalf of herself, in favour of the Shirpur Pally Unnoyon Sangha.
2. The learned counsel representing the petitioners disputes the said deed.
3. Thus from the submission of the learned counsels, it transpires that there is allegation and counter allegation as regard to the deed of the year 1960, so there is dispute as regard to title in respect of the said property.
4. This Court having writ jurisdiction cannot decide as regard to the title in respect of the said property and the sole issue to be determined is the title over the suit property.

5. In such circumstance, the writ petition is dismissed.
6. There will be, however, no order as to costs.

(Supratim Bhattacharya, J.)