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23.09.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 20774 of 2024

Mujibar Gazi
Vs.
State of West Bengal & Ors.

Mr. Sk. Moinuddin
...for the petitioner

Mr. Jayanta Samanta,
Mr. Kaustaqv Chatterjee
...for the State

Ms. Sonal Sinha,
Ms. Shabnam Farooqui
...for the Pollution Control Board

Ms. Manali Biswas,
Mr. Mrinal Saha
...for the respondent nos. 8 to 11

The petitioner alleges that the private respondents are carrying on an illegal Bakery business by encroaching upon the property of the petitioner.

The learned Advocate appearing for the private respondents submits that the private respondents are the co-sharers of the petitioner and a partition suit between the parties is pending. It has been specifically stated in paragraph 4 of the writ petition that a suit for partition, being Title Suit No. 613 of 2023 is pending before the learned Civil Judge (Senior Division), 2nd Court at Alipore.

After hearing the learned Advocates for the parties and considering the materials placed, this Court is of the view that the dispute between the parties is civil in nature. Since the civil court is in seisin over the dispute between the private parties qua an immovable property, this Court is not inclined to interfere in this writ petition.

The parties will be at liberty to approach the civil court for appropriate reliefs.

With the above observations and directions, this writ petition stands disposed of.

Since the petitioner has claimed that the private respondents are carrying on illegal bakery business, it will be open to the petitioner to approach the civil court for appropriate reliefs in that regard.

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

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)