

25.09.2024
Sl. No. 47
g.b.
Court No.07

W.P.A. 21629 of 2024

Radha Rao & Anr.
-Vs-
The State of W. B. & Ors.

Mr. Anindya Bose
Ms. Ruma Das Maity
.....For the Petitioners
Mr. Susovan Sengupta
Mr. Tarak Karan
.....For the State
Mr. Sibnath Ganguly
Mr. Argha Banerjee
....For the Private Respondents

Affidavit of service filed in court today is taken on record.

The petitioners claim to be the tenants in respect of a property under the private respondents. The writ petition has been filed praying for issuance of a Mandamus directing the police authorities to see that the petitioners are not forcefully evicted by the private respondents from their tenanted property without due process of law.

The learned advocate appearing for the private respondents submits that the private respondents along with others have filed a suit being Title Suit No. 251 of 2024 before the learned Civil Judge (Jr. Division), Bidhannagar praying for a declaration that the defendants therein/petitioners herein are trespassers in respect of the property in question and prayed for a decree of khas possession of Schedule 'B' property. A decree for permanent injunction restraining the defendants from changing the nature and character of the suit property as well as from damaging the suit property has also been prayed for.

Since a suit for eviction has been filed by the private respondents and the same is pending, this court is

not inclined to grant any relief in favour of the petitioners. The petitioners are left free to approach the civil court in case any of their rights in respect of the property involved in the said title suit is infringed.

Mr. Sengupta, learned senior advocate files a copy of the report of Officer-in-charge, Baranagar Police Station which is taken on record.

The writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)