

Sl.83
04.10.2024
S. Gayen
ct.no.7

W.P.A. 23681 of 2024

**Esrafil Haque
Versus
State of West Bengal and Ors.**

Mr. Ramkrishna Bhattacharya
Mr. Gourhari Das
...for the petitioner.

Mr. Rajarshi Basu
Mr. S. T. Mina
...for the State Respondents.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
...for the Respondent No. 6.

The petitioner alleges that the private respondents herein are taking steps to make a construction over the property of the petitioner. The petitioner has filed a suit being Title Suit No. 112/2023. The learned advocate appearing for the petitioner submits that the police authorities should be directed to ensure that the private respondents do not carry out any construction work on the property of the petitioner.

Mr. Ghosh, learned advocate assisted by Mr. Sarkar appearing for the private respondent No.6 submits that initially an ad interim order of injunction was passed in Title Suit No. 112/2023 but

the same was vacated by an order dated 6th August, 2024.

Heard Mr. Basu, learned advocate appearing for the State. A report filed in Court today by the learned advocate for the state is taken on record.

It appears from the order being No. 20 dated 6th of August, 2024 passed in Title Suit No. 112 of 2023, that the ad interim order of injunction passed vide Order No. 2 dated 1st of June, 2023 had stood vacated.

After hearing the learned advocates of the parties and considering the materials on record, this Court finds that there is a dispute with regard to title and possession in respect of an immovable property which is the subject matter of the suit. The petitioner in paragraph 8 of the writ petition has specifically stated that the property has been recorded in the LR record of rights in the name of the private respondents but according to the petitioner the said recording is an erroneous one. It will be open to the petitioner to take appropriate steps before the proper forum in that regard. However, with regard to disputes regarding title and possession in respect of an immovable property, the same cannot be decided by the Writ Court. The petitioner is left free to

approach the proper forum for appropriate reliefs in accordance with law.

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

However, there will be no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Hiranmay Bhattacharyya, J.)