

Item No.37

16.07.2024
Ct-14
AGM

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 22197 of 2019

Sri Aparup Biswas
vs.
The United Bank of India & Ors.

Mr. Sobhan Majumdar.
Mr. Himangshu Ghosh.
... for the petitioner.

Mr. Sanajit Kumar Ghosh.
...For the respondents 1 to 3.

The petitioner claims to be joint owner of a certain plot of land along with his brothers. The brothers of the petitioner unilaterally and surreptitiously entered into an agreement for lease with the bank and handed over possession of the property to the bank.

The petitioner submits that the bank is in illegal occupation and, accordingly, prays for a direction upon the bank to vacate the subject property.

Learned advocate representing the bank raises objection with regard to the maintainability of the writ petition. It has been submitted that the petitioner intends to evict the bank without the due process of law.

After hearing the submission made on behalf of the parties, it appears that the petitioner seeks protection of his civil rights. The writ Court is not the competent forum to adjudicate the private civil rights of the parties.

In view of the above, the instant writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner from approaching the competent civil Court for relief.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)