

January 9, 2024
AD 60
Ct. No.14
SG

WPA 24766 of 2023

Amiya Kumar Paul
vs
The State of West Bengal and others

Mr. R.K. Acharyya
Mr. B.B. Maity
Mr. S. Chakraborty
... for the petitioner

Mr. D. Roy Chowdhury
Mr. S. Ghosh
... for the State

Mr. R. Roy
... for the respondent No.6

Affidavit of service filed in Court is taken on record.

Despite service no one appears on behalf of the
respondent No.7

Vakalatnama filed on behalf of the respondent No.6
is also taken on record.

Report filed by the State is also taken on record.

Learned advocate for the petitioner submits as
follows. The petitioner had purchased the property in
question from the respondent No.7. When he tried to
construct a building on the said property, the respondent
No.6 and the police authorities prevented him from doing
so. This was brought to the police, but no step was
taken.

Learned advocate for the respondent No.6 submits
as follows. A partition suit is pending between the
respondent Nos.6 and 7. An order of injunction to

maintain status quo was passed in the said suit. During pendency of such suit, the respondent No.7 fraudulently transferred a portion of the property to the present petitioner. Such transfer is absolutely bad in law.

Learned advocate for the State relies on the report and submits as follows. During pendency of the suit between the respondent Nos.6 and 7, the respondent No.7 chose to part with a portion of the property in favour of the petitioner. This sale itself is bad in law. In any event, if the petitioner wants to claim any relief, the same has to be done before a civil court.

It appears that a civil suit is pending between the respondent Nos.6 and 7. During pendency of the same, the respondent No.7 allegedly transferred a portion of the property to the petitioner.

In any of the parties want to establish any further right in respect of the property, the same has to be done before a civil court.

Therefore, no further order need be passed in this regard.

However, the police shall keep a sharp vigil at the locale and ensure that no breach of peace takes place.

With these observations, the writ petition is disposed of.

Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Jay Sengupta, J.]

