

OD-1

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1895/2023
SRABASTI SINHA ROY
-VS-
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 30th January, 2024.

Appearance :
Ms. S. Sinha Roy, petitioner in person.
Mr. S.K. Mitra, Adv.; Mr. A. Pal, Adv., for respondent no.6.
Ms. P. Sengupta, Adv.; Mr. A. Farmania, Adv., for KMC.

The Court: 1. The writ petition has been filed in this Court under Group-V. It is not discernable as to how this has been allowed by the Registry.

2. The prayers in the writ petition are multifarious which are set out below:

“A. Urgent Interim Orders:

- i. Immediate Interim Injunction under order 39 of the Civil Procedure Code, 1908 on the entire premise of 48/19 as mentioned above so that no exchange of property can start to take place in any form of Sale deed/Lease/Tenancy etc. and withholding the previous every similar agreements occurred until final orders are issued by the Hon'ble Court.
- ii. To seal the empty office of 'Spaceriser Construction & Services LLP' in the back portion ground floor of 48/19 premise

prohibiting any movement of any person until final orders are issued by the Hon'ble Court.

- iii. To cancel/injunct the Mutation of the new sale deed between the 'Spaceriser Construction & Services LLP' and Somak Chatterjee, Sanjay Chatterjee and other similar previous mutations.
- iv. To direct any suitable Central Statutory Investigating Authority to initiate enquiry and present it to the Hon'ble Court.

B. Further Orders:

- v. By Quashing the probate of the Will obtained in 1997 in The Court of the Ld. District Delegate at Alipore, District: 24-Parganas(South) in Act 39, Case No.79/96 (P), granted on 3rd June, 1997.
- vi. By quashing the previous sale deeds made respectively on 1999, 2002, 2017 and 2023 for the ground floor front portion and back portion registered duly in the ADSR and DSR, South 24-Parganas.
- vii. To issue directions to the respondents no.5 and 6 to return the amount of the sale deeds to the buyer representatives.
- viii. To issue directions to the respondents no.5 and 6 for their unlawful activities they are forbidden to enter the premise of 48/19 forever canceling every family relations so far.
- ix. To summon the respondents no.5 and 6 and their associates in the Hon'ble Court for their inhuman activities, misconducts of fact suppression and unlawful acts to know why they betrayed their only devoted elder brother and his family.

- x. To issue orders for peaceful settlement of Sayak Kumar Dey, Son of Soumitra Kumar Dey, in residence of 48/13, Swiss park, Kolkata-700033, a three storied house with fifteen to twenty numbers of rooms where Anu De and Sumana Banerjee (De) lives along with their servant Gopal Chandra Dhar. Sayak Dey is forbidden from 48/13 premise to enter. Until then he can continue staying at the ground floor front portion of 48/19 premise as long as he wishes.
 - xi. To issue any other orders and/or directions be given as this Hon'ble court may deem fit and proper in facts and circumstances in the present case."
3. Apart from misjoinder of causes of action, the above prayers are clearly not maintainable before a writ court under Article 226 of the Constitution of India.
 4. Since the petitioner appears in person and complains of serious injustice done to her, inter alia, by her family members and other persons, this Court requests the High Court Legal Services Authority to render appropriate advice to the petitioner as regards the manner and fora for seeking remedies of her grievances against the respondents and other persons.
 5. The petitioner may, therefore, approach the High Court Legal Services Authority.
 6. It is made clear that this Court has not entered into the merits of any claims made by the petitioner and the same may be dealt with by the appropriate forum in accordance with law.

7. Since the respondents have not been called to use any affidavit, the allegations contained in the writ petition shall not be deemed to have been admitted by them.
8. The writ petition is, therefore, rejected.
9. There shall be no order as to costs.

(RAJASEKHAR MANTHA, J.)

tk