

21.04.2025
Court No.19
DL/Item No.-17
[Milan]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 8015 of 2025

**Himangshu Biswas & Ors.
versus
The State of West Bengal & Ors.**

Mr. Bikash Goswami,
Mr. Chittranjan Roy,
Ms. Satabdi Bhattacharya
....for the Petitioners

Mr. Chandi Charan De, Ld. A.G.P,
Ms. Reshma Chatterjee
....for the State

Mr. Rudranil De,
Mr. Manaranjan Mahata,
Mr. Amit Bikram Mahata,
Mr. Soumo Charan
..... for the Respondent No.4

Mr. Arijit Bardhan,
Mr. Gourab Mondal
....for the Intervenor

1) After hearing the learned advocates for the contending parties and on careful consideration of the entire materials as placed before this Court, it reveals that the writ petitioners being the plaintiffs have filed Title Suit being No.83 of 2001 before the Learned Civil Judge (Junior Division), 2nd Court, Barasat, North 24 Parganas, wherein the present writ petitioners being the plaintiffs obtained a decree of adverse of possession in respect of the suit property and a decree of permanent

injunction against the defendants, who are private respondents herein.

2) It further reveals that in the said suit the learned Trial Court directed the defendants herein not to disturb the peaceful possession of the plaintiffs in respect of the suit property.

3) The defendant nos.1 and 2, who are the private respondents herein were permanently restrained from closing the passage that is the suit schedule property of the said suit.

4) It is the grievance of the writ petitioners that despite passing of the said judgment and decree, the private respondents are interfering with the possession of the writ petitioners and thus, the writ petitioners pray for issuance of appropriate writ/writs in terms of the prayer in the instant writ petition.

5) In course of his submission, Mr. De, appearing on behalf of the State, submits before this Court that the instant writ petition is not maintainable, in view of the fact that disputes as involved in the instant writ petition is a private dispute and the writ petitioners have already availed alternative remedy.

6) On careful consideration of the entire materials as placed before this Court, this Court finds sufficient justification in the submission of Mr. De, the learned Additional Government Pleader on behalf of the State. It

appears to this Court that in the instant *lis* private disputes are involved. It further appears that the writ petitioners have already obtained a decree in favour from Trial Court.

7) In the event, it is the grievance of the writ petitioners that the defendants of the said suit are disobeying the decree as passed in their favour, remedy lies with the writ petitioners to approach the executing Court by filing an execution case.

8) In view of the discussion made hereinabove and in view of the fact that alternative remedy is available to the writ petitioners for ventilating their grievances, this Court considers that the instant writ petition should not be entertained and the same is thus dismissed.

9) Before parting with it is, however, made clear that the observation made hereinabove is purely limited for the disposal of the instant writ petition and the same will not, in any event, affect the right of the writ petitioners to their property over which they have obtained a decree from a civil Court.

(Partha Sarathi Sen, J.)