

05.05.2025

Item No.13

Ct. No.35

dc.

W.P.A. 8439 of 2025

**Shyamal Kumar Jana & Ors.
versus
The State of West Bengal & Ors.**

Mr. Dibyendu Chatterjee,
Ms. Satabdi Das,
Mr. Mainak Singha Barua,
Ms. Ankita Banerjee,
Ms. Ananya Ckakraaborty ... For the Petitioners.

Mr. Dipanjan Datta,
Ms. Sukanya Datta ... For the State.

Ms. Parna Roy Choudhury
... For the Respondent Nos. 6 & 7.

Affidavit-of-service filed in Court today be
kept with the record.

Report submitted by the learned advocate
appearing for the State be also kept with the record.
A copy of the report be handed over to the learned
advocate appearing for the petitioners.

The petitioners are aggrieved by the fact that
in spite of a declaration in their favour in respect of
the right, title, interest and possession of the
property in T.S. No. 60/2024, the private
respondents are illegally interfering with the
peaceful enjoyment of the property.

Learned advocate appearing for the
respondent nos. 6 and 7 submits that the decree
passed by the learned Civil Judge (Junior Division),
Kakdwip, South 24-Parganas in T.S. No. 60/2024
was appealed and in Title Appeal No. 04/2025,
learned Additional District & Sessions Judge, 1st

Court, Kakdwip, South 24-Parganas was pleased to stay the judgement and decree so passed in T.S. No. 60/2024 till disposal.

State has submitted a report which reflects that so far as the schedule of the property which has been referred to in the suit, a substantial part of the same belongs to the fisheries department.

Having considered that appeal court is already in seisin of the issue, at this stage it would not be fit and proper to comment and/or give effect to any order passed by the civil court. The petitioners, if they are faced with inconveniences, they will approach the learned Additional District & Sessions Judge, 1st Court, Kakdwip, South 24-Parganas who is in seisin of Title Appeal No. 04/2025.

With the aforesaid observations, the writ petition being WPA 8439 of 2025 is disposed of.

There will be no order as to costs.

Photostat copy of the order dated 02.05.2025 so submitted by the learned advocate appearing for the respondent nos. 6 and 7 be kept with the record.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)