

25.11.2025
Item No.27
Ct. No.1
PG

M.A.T. 899 of 2024

**Sri Sri Kalyaneswari Mata Thakurani
Vs.
Swami Kalikananda Maharaj Math & Ors.**

Mr. Ajoy Debnath
Ms. Swagata Datta.....for the appellant

Md. Hossain
Mr. Gopal Ch. Goraifor the respondent no.1/
Writ petitioner

PER, PARTHA SARATHI SEN, J. :

1. In this intra-Court appeal, the judgment and order dated 19.12.2023, as passed in WPA 13913 of 2023 by the learned Single Bench is assailed at the instance of the added respondent therein.
2. At the time of hearing, Mr. Debnath, learned advocate appearing on behalf of the added respondent/appellant submits before this Court that while passing the order impugned, the learned Single Bench has failed to visualise the contention of the added respondent in the said writ petition inasmuch as it is the specific case of the added respondent before the writ Court that in the property in question, he has a right and in the civil suit, which has been decreed in favour of the writ petitioner, the added respondent was not a party.
3. It is argued by Mr. Debnath that the learned Single Bench has failed to visualise that the decree, which has been passed by the learned

jurisdictional civil court is not binding upon the added respondent, who claims his independent right, title and interest over the decreetal property.

4. We have meticulously gone through the impugned judgment. We have also given our anxious consideration over the submission of Mr. Debnath, learned advocate appearing on behalf of the added respondent/appellant. On perusal of the impugned order, it reveals that the writ petitioner before the writ Court approached on account of non-action and/or inaction on the part of the police authorities even after obtaining a favourable decree from a jurisdictional civil court in respect of the plot nos., which have been mentioned in the impugned order.
5. We have noticed that the learned Single Bench has found that the jurisdictional civil court not only declared the right, title and intrerest of the writ petitioner/plaintiff over the said plots of land but also restrained the defendants of the said suit permanently from causing any disturbance over the suit property.
6. On perusal of the order impugned, it reveals further that the private respondent before the writ Court made an endeavour to frustrate the said decree by setting up his independent right, title and interest.

7. In our considered view, learned Single Bench while passing the order impugned, rightly noticed that the actual relief of the private respondent/appellant herein is with the jurisdictional civil court and not before a writ Court, which has got no machinery to adjudicate the right, title and interest of the added respondent/appellant herein. In absence of any infirmity, we thus, find no merit in the instant appeal.
8. The instant appeal is, thus, dismissed at the stage of admission.
9. There shall be, however, no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)