

May 20, 2025
Sl. No.11
Court No.19
s.biswas

WPA 12685 of 2023

Ranjana Dasgupta and another
vs.
The State of West Bengal and others

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar

... for the petitioners

Mr. Chandi Charan De, AGP
Ms. Chandana Ghosh

... for the State

1. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities more specifically against the respondent nos.3 and 4 to consider the representation of the writ petitioners dated 30.11.2006, a copy of which has been annexed at page nos.51 and 52 of the instant writ petition.
2. In course of hearing, learned advocate for the writ petitioners at the very outset draws attention of this court to the judgment and decree as passed by the jurisdictional Civil Judge in Title Suit 41 of 1999 and 42 of 1999. It is submitted that from the said judgment and decree it would reveal that the writ petitioners who are the plaintiffs before the trial court are found to have right, title and interest over 4/5th share of the suit property. It is submitted that by making a representation dated 30.11.2006, the writ petitioners requested the office of the respondent nos.3 and 4 authority for

execution and registration of title deed in favour of the writ petitioners to the extent of their 4/5th share.

3. Such contention is however opposed by Mr. De, learned Additional Government Pleader.

4. For effective adjudication of the instant *lis*, this court proposed to look to the decree as passed in Title Suit No.42 of 1999 by the jurisdictional civil court. The relevant portion is quoted hereinbelow:

“ It is orderd and decreed that the Title Suit No.41 of 1999 and 42 of 1999 are both decreed in part on contest without costs. It is declared that the plaintiffs as the heirs of original allottee late Amaresh Prosad Roy are in effective occupation of the suit property along with the defendant No.1(a), 1(b) and 1(c) being the legal heirs of lat Hrishikesh Prosad Roy i.e. the subsequent heir of late Madhabilata Roy who was one of the legal heirs of late Amaresh Prosad Roy.”

5. On perusal of the aforementioned decree, it reveals that the jurisdictional civil court has not passed any decree with regard to the writ petitioners' 4/5th share in the property, which is the subject matter of the instant writ petition. On the contrary, the said jurisdictional court found that the writ petitioners are in occupation of the suit property along with the defendant no.1(a), 1(b) and 1(c) of the said suit.

6. It reveals to this court that under cover of their letter dated 30.11.2006, the writ petitioners on

the basis of such judgment and decree approached the office of the respondent nos.3 and 4 for executing and registering 4/5th share in the self-same property in their name.

7. This court finds that the prayer as made by the writ petitioner is beyond the decree as passed by the jurisdictional civil court inasmuch as while passing such decree, the said jurisdictional civil court never declared the plaintiffs'/writ petitioners' share to the extent of 4/5th in the property in question.
8. In view of such, this court considers that the representation as made by the writ petitioners with the office of the respondent nos.3 and 4 is practically beyond the decree.
9. This court thus finds no merit in the instant writ petition.
10. Accordingly, the instant writ petition is dismissed. There shall be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)