

14.01.2025
Item No.28
gd/ssd

RVW/273/2024

SWAPNA DAS
VS
TAHER ALI @ SK. TAHER ALI AND ORS.
IA NO: CAN/1/2024

in

MAT/1429/2024

TAHER ALI @ SK. TAHER ALI AND ORS.
VS
SWAPNA DAS AND ORS.

Mr. Siddhartha Banerjee,
Mr. Kaushik Bhatta
..for the Petitioner.

Ms. Susmita Saha Dutta,
Mr. Angshuman Chakraborty,
Mr. Niladri Saha,
Mr. Dipjyoti Chakra borty,
Ms. Madhurima Basu,
Ms. Pallavi Ghosh
..for the Respondent Nos.1 to 6.

Mr. Subhendu Bandyopadhyay
..for the State.

1. This review application has been filed to review the judgment and order dated 23rd July, 2024.

2. Before going to the merits of the review application we need to point out that the intra court appeal was directed against the interim order passed in WPA 16275 of 2024 dated 5th July, 2024 and another interim order dated 10th July, 2024.

3. The learned advocate appearing for the private respondents pointed out that the writ petition has been dismissed for default.

4. Therefore, this is a good ground to reject the review application.

5. The learned advocate appearing for the review applicant submitted that the review applicant filed a suit for declaration of title of a property in question and for permanent injunction and after completion of trial a decree of declaration as sought for and a decree for permanent injunction has been passed and the appellant continued to remain in possession of the property in question and even on the date of filing of the writ petition the appellant was in possession of the property but it is thereafter the private respondents dispossessed the applicant/writ petitioner and to that effect a report was filed by the jurisdictional police.

6. In any event the prayer sought for in the writ petition was to change the investigating agency and one of the prayers in the writ petition was also to take necessary steps to enable the writ petitioner to enter into the property.

7. Therefore, the issue as to whether the writ petitioner was in possession of the property needs to be established.

8. Thus, considering all the facts and circumstances, we find no grounds to review the judgment and order.

9. With the above observations, the review application stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)