

15.01.2025
Sl. No. M/L 59
g.b.
Court No.10
265717

WPA 28977 of 2024

Rabindranath Manna & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Satyendra Agrawal
Mr. Bijoy Bag
.....For the Petitioners
Mr. K. J. Yusuf
Mr. Saurav Chaudhuri
.....For the State

The writ petitioners allege inaction on the part of the statutory respondents in respect of several plots situated in Mouza – Santoshpur, P. S. Bagnan, District – Howrah.

It is submitted on behalf of the petitioners that gross fraud has been purported by the respondent no.9 who is the holder of the Power of Attorney on behalf of the petitioners. The petitioner alleges to be a Law Clerk at the Uluberia Sub-Divisional Court and because of paucity of time had executed a Power of Attorney in favour of the respondent no.9. It is further submitted that after having executed the Power of Attorney the respondent no.9 has illegally, fraudulently and unauthorizedly dealt with the above premises as Power of Attorney holder and clandestinely

transferred the property in favour of the third parties without the knowledge of the petitioners. The petitioners contend that fraudulent steps have been taken by the respondent no.9 even though the petitioners had revoked the power of attorney in his favour.

In view of such matter, the petitioners seeks restraint orders on the respondent no.9 from changing the nature and character of the above premises as well as from carrying on any illegal construction in any of the said premises.

The State is represented and submits a Report filed by the Inspector-in-charge, Bagnan Police Station. A copy of the same is handed over to the petitioners.

It appears from the Report filed by the police authorities that the petitioners are habitual litigants and have filed different civil suits as well as criminal complaints in respect of the above facts before different fora. It is further submitted on behalf of the police authorities that there is no on-going construction found on any of the premises.

In view of the disputed questions of fact which arise for consideration there is no scope to entertain this writ petition. The disputes raised by the petitioners are purely private civil disputes.

There are also serious concerns about the bonafides of the petitioners and the petitioners are seeking to agitate purely factual disputes.

In view of the above, WPA 28977 of 2024 stands dismissed on the ground of maintainability.

Since no affidavits are called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)