

13.02.2025
Item No.27
PG/KS
Ct. No.1

W.P.A. (P) 2 of 2025

**Sri Asit Kanti Ghosh & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Supriya Ranjan Saha.....for the petitioners

Mr. Sirsanya Bandyopadhyay, Ld. Sr. Standing Counsel
Mr. Ritesh Kr. Ganguly.....for the State

Mr. Anirban Roy.....for the respondents 5 to 8

1. The petitioners, by way of this public interest litigation seek for a direction to take possession of the property in question as per the order passed in G.A. 1165 of 2004 (T.S. No. 2 of 1963/PLA No. 109 of 19620 dated June 10, 2004.
2. On going through the papers annexed to the writ petition as well as the prayers sought for, this Court is of the view that the question of enforcing an order passed in a testamentary proceeding by way of a writ petition that too by way of a public interest litigation is not maintainable.
3. Hence, the writ petition is dismissed.
4. However, it will be open to the concerned persons to invoke the appropriate remedy in accordance with law.
5. No costs.

6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)