

A 530
11.03.2026
Court No.19
BP

WPA 2716 of 2012
With
CAN 3 of 2019 (Old No. CAN 12635 of 2019)

Dipak Ghosh & Ors.
-versus-
The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharya, Sr. Advocate
Mr. Alope Chatterjee
Mr. Arghya Mullick
Mr. Raju Bhattacharya
..for the petitioners

Mr. Swapan Kumar Pal
..for the State

Re: CAN 3 of 2019

After hearing Mr. Arghya Mullick, learned advocate appearing for the petitioners and the learned advocate appearing for the State this Court is satisfied that the petitioner was prevented by sufficient cause for not appearing when the writ petition stood dismissed for default. Accordingly the order dated 9th December, 2019 stands recalled. The writ petition is restored to its original file and number.

The application being CAN 3 of 2019 stands disposed of.

WPA 2716 of 2012

Mr. Bhattacharya, learned senior advocate appearing for the petitioners submits that the college authorities have illegally encroached upon the property of the petitioners. He further submits that in the affidavit in opposition though the college authorities have taken a stand that they have purchased the property from the brother of Bhawani Charan Ghosh but no document in support thereof has been annexed to the affidavit

in opposition. He further submits that the property of the petitioners has neither been acquired nor requisitioned by the State authorities.

After going through the averments made in the application and after hearing the learned advocates for the respective parties this Court finds that the petitioners have alleged illegal encroachment upon the property of the petitioners by the college authorities. The dispute involved in this writ petition requires adjudication on title and possession of the respective parties pertaining to an immovable property. Such a dispute being purely civil in nature cannot be decided in a writ petition. This Court is, therefore, not inclined to grant any relief to the petitioners.

It is, however, made clear that this order shall not prevent the petitioners from approaching the appropriate forum in accordance with law.

It is however made clear that this Court has not entered into the merits of the claims and counter-claims of the respective parties and the parties will be at liberty to raise all points before the appropriate forum, if an approval to such forum is made.

Accordingly, WPA 2716 of 2012 stands dismissed.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)