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05.10.2026
Court No. **236**
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WPA 14027 of 2025

Premasish Saha
vs.
The State of West Bengal & Ors.

Mr. Krishnendu Bera
... for the petitioner.

Mr. Ajit Kumar Mishra, AGP,
Mr. Goutam Sardar
... for the State.

1. Leave is granted to the petitioner to file a supplementary affidavit and the same is taken on record.

2. The petitioner, by filing this writ petition, has, inter alia, sought for the following reliefs:

> "A) A Writ and/or writs in the nature of Mandamus commanding the respondents to cause enquiry in connection with the execution of Deed of Conveyance dated 31st August, 2012 recorded in Book no.I, Volume no.20, Pages 5995 to 6010, being no.09038 for the year 2012 in respect of land situated at Khatian – 1, under Mouza – Dum Dum Cantonment, P. S. – Dum Dum, J.L. No.13, Touzi no.3194, Dag no.178.
>
> B) A writ of in the nature of certiorari by asking the respondents and each one of them to produce and/or cause to be produced the relevant records and proceeding relating to this case so that conscionable justice therein be administered"

3. According to the petitioner, he is one of the co-sharers in respect of a premises bearing no. 232 Lalji Shah Street, Dum Dum Cantonment, P. S. – Dum Dum, J.L. No.13 which was renumbered as 49, Lalji Shah Street, Kolkata – 700028.

4. The petitioner on 31st August, 2012 came to know that a piece of land measuring 878 sq. ft. with two-storeyed building, situated at Dag no.178, Mouza – Dum Dum Cantonment, J.L. No.13 at premises no.49, Lalji Shah Street, Kolkata – 700028 was registered in the office of the Additional District Sub - Registrar at Cossipore, Dum Dum which was recorded in Book no. I, Volume no. 20, Pages 5995 to 6010, bearing no. 09038 for the year 2012 between one Snehasis Saha and Bijoy Kumar Roy. The petitioner subsequently filed a title suit, being T.S. No.63 of 2014 before the learned Civil Judge (Junior Division) at Bidhannagar for cancellation of the said deed which is pending consideration before the said court.

5. After a lapse of eight years from the date of filing the said suit, the petitioner filed an application under the Right to Information Act, 2005 on 3rd November, 2022 addressed to the Additional District Magistrate, North 24-Parganas.

6. In reply to such application, the SPIO & Dy. DL & LRO, North 24-Parganas requested the BL & LRO, Barrackpore-II, North 24-Parganas to provide the information to the petitioner. By a reply dated 6th December, 2023, the petitioner was informed as follows:

> "Reference to the above subject matter, this is to inform him that, there is no question of registration for Collector's Khatian. And no such order is found"

7. Thereafter, the petitioner made a demand for justice on 7th March, 2025 addressed to the Additional District Sub Registrar, Cossipore, Dum Dum, North 24 Parganas seeking cancellation of the deed of conveyance in question.

8. Learned counsel for the respondents submits that since a title suit is pending on an identical subject matter, the instant writ petition is not maintainable.

9. Heard the parties.

10. It appears that the said deed of conveyance was executed on 31st August, 2012 and thereafter the petitioner filed the suit, being T.S. No. 63 of 2014, as referred to hereinabove, for cancellation of such deed.

11. The petitioner failed to explain as to what prompted him to file this writ petition after a

lapse of 14 years from the date of execution of the said deed of conveyance seeking such enquiry when no new cause of action arose in the meantime.

12. Moreover, the issues involved in this writ petition are identical to those involved in the said title suit, which is pending consideration before the learned Civil Judge (Junior Division) at Bidhannagar.

13. Therefore, the filing of this instant writ petition is an abuse of process. It appears that the petitioner has wasted valuable judicial time and is also guilty of abuse of process.

14. Accordingly, this writ petition stands dismissed with costs assessed at Rs.10,000/- to be payable by the petitioner to the 'High Court Legal Services Committee, Calcutta' within a week from date.

15. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

(Arjun Ray Mukherjee, J.)