

Sl.No. 11.02.2025
4
Court
No. 35
G.S.Das

WPA 24855 of 2024

Aditya Narayan Das
-Vs-
The State of West Bengal & Ors.

Ms. Sabnam De Bardhan, Jr. Govt. Adv.
Ms. Kakali Naskar
... for the State-respondent(s)

The petitioner, on the earlier occasion, prayed leave of this Court to file an Exception to the report filed by the State. However, the matter has been listed at the instance of the petitioner having mentioned.

Today, when the matter is called, none appears on behalf of the petitioner.

I have taken into account the police report as also the nature of accusations made in the writ petition and, I find from the report that the issues canvassed in the writ petition relate to a vested property of the Government of West Bengal.

A title suit has been preferred and, subsequently, an appeal is pending before the learned Additional District Judge, Chanchal, Malda against the Judgment dated 05.06.2024 and the Decree dated 07.06.2024 passed by the learned Civil Judge (Jr. Divn.), Chanchal, Malda in Title Suit No. 118 of 2014.

In view of the learned Civil Court/Appellate Court being *in seisin* of the issues concerned as also so far as the accusations regarding JCB for excavation which has been referred to, has been denied by the police authorities, I am of the view that the petitioner, *prima facie*, has failed to establish the accusations.

So far as the right, title and interest of the property is concerned, it is the learned Civil Court which will decide the same. Since the learned Appellate Court is already *in seisin* of the civil suit, I am of the view that no order need be

passed in the present writ petition.

However, the police authorities would ensure that no breach of peace and tranquility takes place as also no untoward incident results because of the strained relationship existing between the petitioner and the private respondents.

With the aforesaid observations, WPA 24855 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

