

25.03.2021
SL No. 184
Court No.24
(P.M.)

WPA 6919 of 2021
Palash Maji
Vs.
The State of West Bengal & Ors.

Mr. Sambhu Nath Ray,
Ms. Sharmistha Roy Chowdhury,
Ms. T. Dey
... for the petitioner

Ms. Koyli Bhattacharyya
.... For the respondent No. 6

Mr. Somnath Ganguli,
Ms. Sabnam Basu,
Ms. Priyamvada Singh
... for respondent No. 8 & 9

Ms. Sipra Majumder,
Mr. Khairul Alam
... for the State

Petitioner alleges that the private respondents are making construction in an unauthorised manner without obtaining necessary sanction from the Panchayet.

From the documents annexed to the writ petition it appears that the petitioner herein filed a Title Suit being T.S. 236 of 2019 wherein an order was passed on 25th November, 2020 directing the Officer-in-Charge Domjur Police Station to keep strict vigilance so that unauthorised construction by the defendant Nos. 1 and 2 be stopped and render necessary police aid to the petitioner herein as and when the same is requisitioned by the aforesaid persons without any delay to meets the interest of justice.

The aforesaid order was passed by the learned Court below on the allegation that the private respondents herein

suddenly started construction over the suit property and thereby willfully violated the order of injunction dated 31st May, 2019 by which the Court directed the private respondents to maintain status quo in respect of the nature, character and possession of the suit property.

The petitioner alleges that the order of injunction has been violated by the private respondents and the unauthorised construction is going on under the nose of the Prodhan.

The petitioner complains that the representation filed before the Prodhan against such unauthorized construction has not been taken into consideration till date.

From the submission of the petitioner it appears that the issue in question is already pending consideration in the Title Suit, mentioned herein above, before the learned Court below.

It will not be proper for the Writ Court to enter into the issue once again at this stage. The same will be barred under the principles of *res judicata*.

Accordingly WPA 6919 of 2021 stands dismissed.

The petitioner is relegated to the Civil Court for necessary relief.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)