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04.03.2022.
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 2596 of 2021

Md. Rajab Ali @ Md. Razzab
-versus
The Block Development Officer, (B.D.O.)
Matigara Block & Ors.

Mr. Amit Sinha

...For the Petitioner

Mr. Subir Kumar Saha, Ld. AGP
Mr. Momenur Rahaman

... For the State

The petitioner alleges illegal and unauthorized construction by the private respondents.

A civil suit is pending with regard to declaration of title in respect of the land where the alleged construction is made.

The Block Development Officer, Matigara Development Block has intimated the petitioner that his complaint had been duly enquired but as the land in question is involved in a civil suit pending before the learned Civil Judge, Junior Division, Siliguri, accordingly, he is unable to take any further step in the matter.

Admittedly, a Title Suit being No. 72 of 2021 filed by the petitioner against the private respondents is pending consideration before the learned Civil Judge, Junior Division, Siliguri. The petitioner, as plaintiff in the said Suit, has prayed for a decree of permanent injunction restraining the private respondents herein from entering into the suit land and to

restrain them from making any attempt to dig soil for the purpose of tube-well or for making construction of house in the said land.

Under such circumstances, the writ court is not a competent forum to grant any relief to the petitioner. It will be open for the petitioner to approach the proper forum for necessary relief, if so advised.

The writ petition is dismissed.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)