

Item No.10
24.04.2023
Court. No. 19
GB

WPA 7736 of 2023

Sarbani Pal
Vs
The State of West Bengal & Ors.

Mr. Abhijit Sarkar,
Mr. Raja Biswas

...for the Petitioner.

Mr. Dhananjay Banerjee,
Ms. Oindrila Ghosh

...for the Respondent Nos.7 to 9.

Affidavit-of-service filed in Court today, be kept with the record.

The writ petition is not maintainable in its present form as the petitioner has filed a civil suit on the self-same cause of action with self-same prayers. Although, it is the panchayat authority which shall decide the allegation of unauthorized construction, but parallel proceedings cannot continue.

Under such circumstances, unless the pleading in the civil suit with regard to the allegation of illegal construction and prayer for demolition are withdrawn, the writ Court should not interfere. Moreover, the entire fact has been suppressed in the writ petition.

Thus, the writ petition is dismissed.

This order shall not prevent the petitioner from pursuing his remedies before the panchayat authority in accordance with law, after taking steps with regard to non-prosecution of the issue of unauthorized construction and the

prayer for demolition made in the civil suit, is given up. The other issues pending before the Civil Court, will continue.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)