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04.10.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 11045 of 2023

**Sri Sambit Sinha & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Dyutiman Banerjee.
...For the Petitioners.**

**Ms. Mitali Mukherjee,
Ms. Kakali Naskar.
... For the State.**

**Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.
...For the Respondent No. 6.**

**Mr. Uttiya Ray,
Mr. Ashutosh Pal,
Mr. Arnab Mondal.
...For the Municipality.**

Affidavit filed on behalf of the respondent no. 6 is taken on record.

It appears from the submissions made on behalf of all the parties that there are several disputed questions of facts involved in the writ petition. Two civil suits are pending consideration before the Learned Court below.

The petitioners allege illegal and unauthorized construction and seek for a direction upon the Municipality to demolish the said illegal construction.

Upon hearing the parties, the Court is of the opinion that writ jurisdiction ought not to be invoked to settle personal scores.

The issues highlighted in the instant writ petition can very well be decided in the pending suits.

The petitioners also appear to have suppressed the fact of pendency of the two civil suits. The said suppression on the part of the petitioners cannot be appreciated.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)