

01
16.10.2023
d.p.

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

W.P.A. 14854 of 2022

**Sunil Saha
-versus
The State of West Bengal & Ors.**

**Mr. Sandip Ghosh,
Mr. Partha Sarkar.
...For the Petitioner.**

**Mr. Swapan Kumar Majumdar,
Mr. Saptashi Majumdar.
...For Municipality.**

**Mr. D. Mukherjee,
Ms. Kalpita Paul.
...For the State.**

**Ms. Deblina Lahiri,
Mr. Mrinmoy Chatterjee.
...For the Respondent No.6.**

The petitioner filed the instant writ petition alleging illegal and unauthorized construction at the behest of the private respondent.

The writ petition has been mentioned for non-prosecution in view of the terms of settlement entered into in between the petitioner and the private respondent before the Learned Court below in Title Suit No. 127 of 2020.

On perusal of the terms of settlement filed between the parties in the Learned Court below, it

appears that the primary issue was a private dispute in between the parties.

The Writ Court ought not to have been approached for relief. The petitioner with mala fide intention and solely to harass the private respondent filed the present writ petition.

After the matter has been settled in the Court below, now prayer has been made to dismiss the writ petition as 'not pressed'.

The conduct of the petitioner cannot be accepted by the Court. The petitioner has consumed valuable time of this Court and accordingly, the petitioner is liable to pay cost for the same.

The writ petition stands dismissed for non-prosecution however, subject to payment of costs of Rs.2,000/- only in the office of the High Court Legal Services Committee by tomorrow (17.10.2023).

List the matter on 18th October, 2023 under the heading **"To Be Mentioned"** to ascertain as to whether the costs has been deposited or not.

Written instruction given by the petitioner to his learned advocate be kept with the record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)