

September 5, 2023  
AD 25  
Court No.14  
SG

WPA 19060 of 2023

*Aynal Ali Molla*  
*vs.*  
*The State of West Bengal and others*

Mr. Rafikul Islam Sardar  
... for the petitioner

Mr. Wasim Ahmed  
Mr. M. Shehabuddin  
... for the State

Mr. Sanjib Das  
Mr. Biman Halder  
Mr. Madhusudan Mukhopadhyay  
... for the private respondents

Affidavit of service filed in Court is taken on record.

A report filed by the State is also taken on record.

Copies of the orders passed by this Court in WPA 9576 of 2020, WPA 9583 of 2020 and WPA 22560 of 2022 filed by the private respondents are also taken on record.

Learned advocate for the petitioner submits as follows. The petitioner's father was the recorded bargadar in respect of the land in question. In spite of this, the private respondents being the owners of the property are making illegal construction over the land without seeking any permission. The police intervention was sought in this regard, but was denied.

Learned advocate for the private respondents submits as follows. This is a case where relevant materials have been suppressed. Earlier, the father and the uncle of the petitioner had approached this Court for

entering into the land in question from where they are allegedly dispossessed. This Court relegated them to obtain reliefs from the civil court. In fact, the petitioner himself approached this Court in 2022 and certain directions were passed. The only question to be decided by the panchayat authorities was whether the construction was made without permission of the concerned authorities or in violation of building rules. In view of this, the petitioner could not have approached this Court with a similar prayer.

Learned advocate for the State relies on the report and submits that this dispute is of civil nature.

It appears that the petitioner has not disclosed certain material facts in the writ petition. First, the father and the uncle of the petitioner had sought relief for taking repossession of the property in question and lastly, the petitioner himself was granted certain reliefs in connection with the alleged illegal construction.

In any event, the petitioner is again trying to make out a case of construction on the land without permission. This can fairly be taken up before the competent authorities as per directions passed by this Court earlier.

I do not find any merit in the writ petition.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**[ Jay Sengupta, J. ]**