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06.12.2023
d.p.

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

W.P.A. 22570 of 2023

**Khejim Ali Laskar
-versus
The State of West Bengal & Ors.**

**Mr. Sudarshan Ghosh.
...For the Petitioner.**

**Mr. Avijit Sarkar,
Mr. Sabyasachi Bhattacharjee.
...For the State.**

**Mr. Jaharlal Roy,
Ms. Kavita Rani Das.
...For the Private Respondents.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondents over shali land without obtaining conversion of the classification of the land.

Admittedly, a civil suit in between the parties in respect of the selfsame plot of land is pending consideration before the Learned Court.

The petitioner being the plaintiff in the said suit has failed to obtain any order of injunction restraining construction at the subject premises.

Learned advocate appearing for the private respondents submits, upon instructions, that the private respondents are the owners of the said land and the disputed construction is in existence for a considerable period of time. It is a one-storey structure.

The petitioner alleges that the private respondents are taking steps to raise another storey over the existing ground floor.

As it appears from the submission made on behalf of the parties that a civil suit is pending consideration in between them, it will be open for the parties to approach the said forum to obtain necessary order restraining the other party from raising any construction over the disputed plot of land.

It will not be proper to direct the Pradhan or the Gram Panchayat to enter and decide the civil disputes in between the parties on the plea of deciding whether any unauthorized construction has been made or not.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)