

23.09.2024
Item No.27
Ct. No.15
S.A.

WPA 12398 of 2024

Shyamal Kumar Sil

-vs-

The Hooghly Chinsura Municipality & Ors.

Mr. Tanmoy Mukherjee

Mr. Souvik Das

Mr. K. R. Ahmed

Mr. Rudranil Das

Mr. Soumava Santra

...for the petitioner

Mr. Tapas Kumar Ghosh

Mr. Tanmay Chowdhury

...for respondent nos.1 to 3

Mr. Prosenjit Mukherjee

Mr. Arghya Kamal Das

...for respondent no.5

The petitioner alleges unauthorised construction at L.R. plot No.497, Khatian No.6207, J. L. No.19, Chinsurah, Hooghly at the instance of respondent no.5.

Learned advocate appearing for respondent no.5 has drawn attention of this Court to the plaint of Title Suit No.502 of 2023 wherein the petitioner has prayed for similar prayers against respondent no.5.

The petitioner, however, has strenuously argued that the scope of the title suit and the scope of this writ petition are different.

I am unable to accept such contention. If an order of demolition is passed in this writ petition, it would effectively dispossess respondent no.5 from the relevant premises during pendency of the civil suit.

The petitioner cannot approach the two different fora with the same prayer simultaneously.

Accordingly, **WPA 12398 of 2024** is dismissed.

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

(Kausik Chanda, J.)