

Item- 13-12-2024
7.

sg Ct. 37

WPA 12651 of 2019

Sudas Kumar Mondal
Versus
State of West Bengal & Ors.

Mr. Anindya Sundar Das
Mr. Shounak Ghosh
Mr. Subrata Mondal
Mr. Suman Halder
...for the petitioner

Mr. Sayan Sinha
Mr. Adil Naser
...for the respondent nos. 2 to 5
Mr. Sirsanya Bandopadhyay
Mr. Subhendu Sengupta
...for the State

1. In view of the fact that in affidavit-in-reply the writ petitioner has made out a completely new case as it has been admitted in paragraph 2(b) of the affidavit-in-reply that there has been unauthorized construction on public road beside Dag Number 388 and no unauthorized construction has taken place in respect of Dag Nos. 3106, 3107 and 3108 and the said Dag Numbers were mentioned inadvertently, we dismiss the writ application.
2. In the affidavit-in-reply the petitioner cannot make out a new case. However, we make it clear that we have not gone into the merits of the allegations made on behalf of the writ petitioner that there has been unauthorized construction on public road beside Dag No. 388.
3. We also record a note of caution to the writ petitioner to be

more vigilant and accurate in filing any future writ petition involving same or similar issues.

4. WPA 12651 of 2019 is accordingly, dismissed.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)