

Sl.No.
55 23.09.2024
Court
No. 35
G.S.Das

WPA 18626 of 2024

Eakup Saha
-Vs-
The State of West Bengal & Ors.

Mr. Bhaskar Chandra Manna
... for the petitioner
Mr. Sudipto panda
Ms. Ananya Neogi
... For the State-respondent

The subject-matter of the writ petition relates to demolition of an illegal and/or unauthorized construction which the petitioner alleges to be at the instance of the private respondent.

I find from the enclosures to the writ petition that a Co-ordinate Bench in WPA 15155 of 2022 was pleased to direct that so long as the Civil Court is *in seisin* of the matter and orders are passed by the learned Civil Court, the Inspector-in-charge of Contai P.S. would keep vigil and ensure that the parties are

complying with the orders of the learned Civil Court.

It has been submitted that, in the meantime, the civil suit has been dismissed for default.

In view of the nature of the prayers so advanced by the writ petitioner, I am of the opinion that the proper recourse of the petitioner would be to approach the learned Civil Court to revive the civil case and/or in an appropriate forum.

This court while exercising its jurisdiction under Article 226 of the Constitution of India will not interfere with the domain of either the Civil Court or any other statutory authority.

With the aforesaid observations, WPA 18626 of 2024 is **dismissed**.

Pending application, if any, is also

disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)