

22.11.2024
Item No.5
Ct. No.26
CHC
(dismissed)

M.A.T. 1479 of 2024
IA NO: CAN/1/2024

Rampada Halder @ Prasanta & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rudranil De, Advocate
Mr. Ziaul Haque, Advocate
Mr. K. Das, Advocate
....for the appellants

1. Appeal is at the behest of private respondent in a writ petition.
2. Appeal is directed against the order dated June 20, 2024 passed in WPA 15063 of 2024.
3. Learned advocate appearing for the appellants submits that, there a Civil Suit pending between the private parties relating to the title of the immovable property. According to him, in such circumstances, no order directing the Pradhan to look into the allegation of illegal and unauthorized construction could be passed.
4. We find from the records that, the writ petitioner/private respondent herein, filed a writ petition, complaining of illegal and unauthorized construction over the subject premises.
5. No doubt that, there is Civil Suit pending in relation to the subject premises.

6. The issue of illegal and unauthorized construction is not within the scope and ambit of such suit. No document is placed before us to suggest otherwise.
7. Learned Single Judge directed the Pradhan to consider the issue of illegal and unauthorized construction subsisting at the locale. Pradhan will proceed to do so in accordance with law.
8. We find no merit in the instant appeal.
9. MAT 1479 of 2024 along with connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)