

D/L58
05.11.2024
Bpg.
ct.no.35

W.P.A.24102 of 2024

**Anoara Sk. Bibi
Versus
State of West Bengal & Ors.**

Mr. Sandipan Pal.
...for the petitioner.

Mr. Dipanjan Datta
Mrs. Sukanya Datta.
...for the State-respondents.

Affidavit-of-service so filed by the petitioner
be kept with the record.

Petitioner claims that the petitioner is trying
to construct at her own plot which is being resisted
by the private respondents. According to the
petitioner, the property has been inherited by her
husband. It has been further submitted that the
private respondents are no way connected to the
property/land in spite of the same they are
obstructing in the construction of the property and
the petitioner along with her children are still staying
at dilapidated mud thatch house.

Learned advocate for the State has submitted
a report. Report reflects that the land-in-question is
undivided property and both the petitioner and the
private respondents are claiming eastern side of the
property.

Having considered the police report regarding the land being undivided property, petitioner will have her remedies before the jurisdictional Civil Judge who would decide the issues relating to the title and part of the land-in-question where the construction is being proceeded with. There is no scope for interference by this Court by invoking the provisions under Article 226 of the Constitution. Petitioner would be at liberty to approach the jurisdictional civil court as observed above.

With the aforesaid observations, WPA 24102 of 2024 is disposed of.

Report so submitted by the learned advocate for the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)