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20.05.2024
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 24194 of 2023

Asim Mondal

v.

Sri Krishnendu Mondal & Ors.

Mr. Sabyasachi Chatterjee

Mr. Imtiaz Akhtar

...for the petitioner.

Mr. Ziaul Haque,

...for the respondent no.1.

The petitioner alleges that the private respondent has made construction in an unauthorized manner over the land of the petitioner.

The title of the petitioner in respect of the land in question is disputed by the learned advocate representing the private respondent. A title suit in between the parties is pending consideration before the learned civil court.

At this stage it will be improper for the writ court to pass any direction to deal with the construction because the title of the place where the construction has been made is disputed by the private party.

It has also been pointed out that the alleged unauthorized construction is in place for more than a decade.

In view of the above, the court is not inclined to exercise jurisdiction in the matter.

The writ petition fails and is hereby dismissed.

It will be open for the parties to approach the appropriate forum for relief.

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

(Amrita Sinha, J.)