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29.11.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 27050 of 2024

Rakhahari Mondal
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Sadhu
...for the petitioner

Mr. Pankaj Halder,
Mr. Sanatan Panja,
Ms. Mita Biswas-II
...for the State

Mr. Amitabha Ghosh
...for the respondent nos. 7 and 8

Affidavit of Service filed today be kept with the records.

The grievance of the petitioner is directed against alleged unauthorized and illegal construction by the private respondents.

It is submitted by the petitioner that the private respondents have allegedly made an unauthorized construction on the common path, which is being enjoyed by the petitioner and other locals.

On behalf of the private respondent nos. 7 and 8 it is submitted that in a civil suit dealing with the same cause of action, an appeal, being Title Appeal No. 01 of 2023 filed by the petitioner against the final decree has been dismissed on November 30, 2023 by the Additional District Judge, Khatra, Bankura.

In view of the above, there is no legally enforceable right, which the petitioner can demonstrate justifying even the prayer for consideration of the representation. The dispute by and between the parties are purely civil in nature and cannot be indirectly re-adjudicated in a circuitous manner.

In view of the above, W.P.A. No. 27050 of 2024 stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)