

M/L.13.
December 02, 2024.
KAUSHIK

WPA No. 27876 of 2024

Shri Narayan Chandra Dutta
Vs.
The State of West Bengal and Others

Mr. Subhadeep Chatterjee
Ms. Arpita Kundu
... for the petitioner.

Ms. Sabnam Dey Bardhan
Mr. Samrat Paul
... for the State.

Mr. Debasis Kar
Mr. Husen Mustafi
Ms. Jagori Mitra
...for the respondent nos. 6 & 7.

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

The petitioner alleges that there is illegal and unauthorized construction being carried out by the private respondent on land, which belongs to the petitioner and without obtaining any sanction or lawful permission.

On behalf of the private respondent, it is submitted that this writ petition has been filed with ulterior motive. There is also a civil suit pending between the petitioner and the private respondent before the Competent Court which is pending as far back as from 2019. The petitioner has been unable to get any relief from the Civil Court and

has now initiated the present writ petition with the ulterior motive of ousting the private respondent.

In view of the above, there is no merit in the present writ petition and the same is liable to be dismissed.

The State respondents are represented and submit that no building approval nor sanction has been obtained till date.

Admittedly, there is a Civil Suit pending, inter alia, for eviction before the learned 2nd Civil Judge, Junior Division at Barrackpore, North 24-Parganas being T.S. No. 329 of 2019. Diverse orders have been passed from time to time. However, no final order has been passed till date.

It is obvious that the present writ petition has been filed with ulterior intent and to harass and indirectly evict the private respondent. The private respondent has admittedly paid money for the said premises and there are purely contractual disputes by and between the petitioner and the private respondent.

In view of the above, there is no scope of passing any relief in this writ petition. The disputes raised by the parties are purely civil in nature.

WPA 27876 of 2024 stands dismissed.

Liberty is granted to the petitioner to file an appropriate application for necessary reliefs

before the Learned 2nd Civil Judge, Junior Division at Barrackpore, North 24-Parganas in T.S. No. 329 of 2019 for appropriate reliefs if so advised.

(Ravi Krishan Kapur, J.)