

WPA 28018 OF 2024

09.12.2024

Sl no. 18

Ct no. 10

P.M.

Bacchu Naskar & Ors.

- Vs -

The State of West Bengal & Ors.

Mr. S. Sen,
Mr. Sambhu Nath Sardar

... for the petitioners

Mr. Tapash Kr. Mondal,

... for the Zilla Parishad

Mr. Pratik Dhar,
Mr. Samir Halder

.. for the respondent No. 9

The petitioners seek cancellation of a sanction building plan in favour of the respondent No. 9.

It is alleged on behalf of the petitioners that the said plan has been sanctioned without verifying the title deeds and possession of the private respondent. The petitioners also seek restraint orders on the private respondents from making any construction or from interfering with the alleged possession of the petitioner.

On behalf of the respondent No. 9 it is submitted that the disputes between the parties are purely private and civil in nature. In fact there is a Civil Suit being T.S. No. 139 of 2021 which is pending before the Competent District Court and

wherein the rights of the parties are being adjudicated.

It is submitted on behalf of the private respondent that the petitioners are unlawfully and illegally trying to interfere with the legal rights of the private respondents.

The concerned Zilla Parishad is represented and submits that there is no infirmity in passing the above sanction plan and all formalities have been duly complied with before passing the same.

It appears from the contents of the writ petition that the disputes raised by the petitioner are purely private and civil dispute and cannot be adjudicated in these summary proceedings. The petitioner seeks directions insofar as the title and possession of the subject premises are concerned and this cannot be adjudicated upon in this proceeding. Admittedly, a civil suit being T.S. 139 of 2021 is pending for final disposal (*Sandhya Naskar & Ors. – Vs – The Secretary Autism Society West Bengal*). In fact there is also an interim order dated 26th February, 2021 passed by the Civil Judge restraining the petitioner from not disturbing the peaceful possession of the subject premises.

In view of the above, there is no merit in the writ petition. The petitioner has not been able to demonstrate an iota of a legal right which warrants any order in his favour.

WPA 28018 of 2024 stands dismissed. However, there shall be no order as to costs.

Liberty is granted to the petitioner to file a fresh representation in accordance with law dealing with the alleged violation of the sanction plan, if so advised. If any such application is filed with the concerned Zilla Parishad the same shall be considered in accordance with law and after giving a right of hearing to all the affected parties.

(Ravi Krishan Kapur, J.)