

D/L.22.
December 19, 2024.
KAUSHIK.

WPA No.29108 of 2023

Sk. Aktar Ali
Vs.
The State of West Bengal & Ors.

Mr. Sk. Moinuzzaman
... for the petitioner.

Mr. Jayanta Samanta
Mr. Kushal Biswas
... for the respondent nos. 5 & 6.

Mr. Sankar Prasad Dalapati
Mr. Pritam Chowdhury
Mr. Safik Dewan
... for the respondent no. 7.

Mr. Satyajit Mahata
Mr. Sourav Mondal
... for the respondent no. 9.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State.

This is a second round litigation between
the parties.

In an earlier round of litigation being WPA
8022 of 2022, a Coordinate Bench had disposed
of the writ petition filed by the petitioner granting
liberty to the petitioner to take appropriate steps
for proper measurement of the area of land and
for demarcation.

It is submitted on behalf of the petitioner
that an illegal and unauthorized construction has
been undertaken by the private respondent.

On behalf of the State respondents, it is
submitted that the petitioner is causing unlawful

hindrance and obstruction in carrying out of any demarcation or measurement of land.

Admittedly, the petitioner has not availed of the liberty, which has been granted by the order dated January 25, 2023 permitting the petitioner to carry out proper measurement and demarcation of the land.

In this background, there is no legally enforceable right which the petitioner has been able to demonstrate to warrant any kind of discretion being exercised in his favour. As such, there is no scope of any relief being granted to the petitioner.

WPA 29108 of 2023 stands dismissed by directing the petitioner to act in terms of the order dated January 25, 2023.

(Ravi Krishan Kapur, J.)