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**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

10
22.02.2024
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WPA 232 of 2024

**Sahiruddin Md @ Sahir Uddin Md.
Vs.
The State of West Bengal & Ors.**

**Mr. Anirba Banerjee
Mr. Gopal Roy ...for the petitioner**

**Mr. Debajit Kundu
 ...for the private respondent nos. 3 & 4**

**Mr. Subir Kumar Saha, Ld. AGP
Mr. Pradip Sarkar
 ...for the State**

Affidavit of service filed on behalf of the petitioner is taken on record.

In the writ petition petitioner has ventilated a grievance that private respondents being the brothers of the petitioner are wrongly possessing and enjoying land of Public Works Department and while doing this the private respondents are infringing right of the petitioner to possess his own land.

State-respondents as well as the private respondents are represented by learned advocates.

Having considered the grievance made by presenting this writ petition this court is at a loss as to how the present writ petition is maintainable. Firstly, if land of PWD is occupied wrongly by the private respondents that is not the concern of the petitioner and secondly if the petitioner's land is

encroached by the private respondents then the remedy lies before the appropriate Civil Court.

In view of aforesaid scenario the writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law by instituting a proceeding before the appropriate Civil Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)