

10.04.2025
Sl. No. 63.
D/L.
Mithun
Ct.No.39.

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

WPA 595 of 2025

**Gita Rani Baidya
Vs.
The State of West Bengal & Ors.**

Mr. Debasis Kar

..for the petitioner

Mr. Rajesh Naskar,
Mr. Somnath Habishyasi

...for respondent no.4.

Mr. Lalit Mohan Mahata, Ld. AGP,
Mr. Prasanta Behari Mahata

...for the State

This writ petition has been filed seeking direction upon the respondent authorities to give adequate compensation for damages and distress caused by unauthorized action of the authorities and her neighbour.

The petitioner contends that she is the owner of a property situated at Village and Mouza-Palladah, J.L. No.05, RS & LR Dag no.83, Khatian No.353, under Kampa-Chakla Gram Panchayat, P.S. Jetia, District-North 24 Parganas which was purchased by her late husband by way of a registered deed of conveyance in the year 1973. The private respondent no.5 is the neighbour. Due to holding of cattle within the property by the private respondent, the petitioner and her family

members are facing disturbances and problems. The private respondent has also encroached into the land of the petitioners. On 6th December, 2024 a representation was made before the Panchayat Pradhan alleging of such illegal activities of the private respondent. However, no steps has been taken. Hence, this writ petition.

Mr. Debasis Kar, learned Advocate for the petitioner submits that direction be issued upon the Pradhan, Kampa-Chakla Gram Panchayat, respondent no.4 to consider the representation of the petitioner dated 6th December, 2024.

Mr. Lalit Mohan Mahata, learned Additional Government Pleader submits that the dispute is a private dispute by and between the petitioner and the private respondent. Further, the case of encroachment is to be adjudicated by the jurisdictional Civil Court. He also indicates that there are no such pleadings in the writ petition that the representation was ever sent or received by the concerned authority. He seeks for dismissal of the writ petition.

Mr. Rajesh Naskar, learned Advocate representing the respondent no.4, Pradhan, Kampa-Chakla Gram Panchayat submits that upon enquiry by the Pradhan, it was found that the petitioner has partially encroached the property belonging to State Highway Development Authority and no such permission was ever granted for construction of the subject property, either to the

petitioner or to any one. He files a copy of the inspection report of the Pradhan, dated 4th February, 2025 which is taken on record.

Upon going through the averments made in the writ petition, it appears that the dispute is private in nature. Further, the case of encroachment as pleaded is civil dispute and the petitioner has an efficacious relief in Civil Court. In view of the above, the writ petition falls short of merit.

Accordingly, **WPA 595 of 2025** stands dismissed.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)