

11.12.2025
rc/ct.no.05
Item No.07

WPA No. 1065 of 2023
Lakshmi Narayan Samanta & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sukanta Sarkar
Mrs. Piyali Mazumder
Mr. Avisek Chatterjee ..for the Petitioners

Sk. Md. Galib
Mrs. Subhra Nagfor the State

Mr. Shibjit Mitra
Mr. Subhasish Mitra ...for the respondent no.4

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

The primary grievance of the petitioners is against the Gram Panchayat and Zila Parishad. The petitioners allege that the private respondent has raised construction in his own property by violating the building rules. The petitioners approached the Panchayat and Zila Parishad who turned a deaf ear to their complaint. No police report was submitted in the application filed by the petitioners under Section 144(2) of the Code of Criminal Procedure. The petitioners also submitted an application before the police authority which has not been acted upon.

Learned counsel for the private respondent submits that the private respondent has raised G+5 construction

on his own land upon obtaining sanction from the Panchayet authority and Zila Parishad.

Learned counsel for the State submits that police report was submitted in the case under Section 144(2) of the Code of Criminal Procedure. A civil suit has also been filed by the petitioners wherein an application filed by them under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure has been dismissed on contest. The petitioners were not granted an order of injunction in the said suit. The police has also held an enquiry pursuant to the complaint lodged by the petitioners and has found that the dispute between the parties is purely civil in nature.

Upon consideration of the submission made on behalf of the parties this Court is inclined to hold that the dispute between the parties is civil in nature. The remedy of the petitioners lies before the civil Court. Also, the petitioners allege inaction on the part of the Panchayat and Zila Parishad which cannot be dealt with by this Court.

In view of the above, the writ petition is devoid of merits and is accordingly dismissed.

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

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh,J)