

17.04.2025

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Ct. no.39

Ss

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

W.P.A. 1414 of 2025

**Jugabatar Sri Sri Baba Lokenath
Jiew Trust represented by their
shebaites namely, Ganesh Das Daga & ors.**

-Vs-

The State of West Bengal & ors.

Mr. Golam Mastafa

Mr. T. S. Samanta

... for the petitioners

Mr. Rabindra Nath Basak

... for the State

Mr. Avirup Roy Sanyal

... for the respondent no.7

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

This writ petition is filed seeking direction upon the respondent authorities for removal of unauthorised construction in Plot No.3569, Mouza- Natshal under Police Station Mahishadal, District Purba Medinipur undertaken by the respondent no.7 and for removal of the unauthorised occupation of the respondent no.7 in the land of the petitioners.

The petitioners contend that the petitioners are the shebaites of *Jugabatar Sri Sri Baba Lokenath Jew Trust* and the land comprised within L.R. Plot Nos.3602 and 3665 within Mouza Natshal, J.L. No.157 measuring about 24 decimals under Police Station Mahishadal, District Purba Medinipur belongs to the trust. The private respondents

are the adjacent plot owners being Plot No.3569 measuring 4 decimals of land. The petitioners contend that the private respondents have illegally encroached into the land of the trust and also made construction without following the Panchayat Building Laws. A legal notice was issued on 2nd August, 2024 on behalf of the Trust Committee with the contention of such illegal activities of respondent no.7. However, no step has been taken. Hence, this writ petition.

Mr. Golam Mastafa, learned Advocate for the petitioners submits that the matter may be relegated to the Pradhan of the local Gram Panchayat or to the Block Development Officer, Mahishadal Development Block, Purba Medinipur to cause an enquiry and take necessary steps.

Mr. Avirup Roy Sanyal, learned Advocate for the respondent no.7, in reply, submits that the private respondent no.7 by dint of a deed of sale dated 17th May, 2017 has purchased the property comprised within plot no. 3569 and has undertaken work of construction as per the permission granted by the local Gram Panchayat. He files a copy of the deed of Sale dated 17th May, 2017 as well as the permission accorded by the Pradhan, Natshal-I Gram Panchayat, which is taken on record.

Mr. Rabindra Nath Basak, learned Advocate for the State-respondents leaves the matter to the discretion of the Court.

Upon going through the averments made in the writ petition it is found that the principle contention of the

petitioners is precisely of encroaching of the land of the trust by the private respondent. Thus, the dispute is civil in nature and needs to be adjudicated by jurisdictional civil court.

According, the writ petition falls short of merit.

The writ petition being **WPA 1414 of 2025** stands dismissed.

However, it is left open to the petitioners to approach the civil court in respect of dispute raised herein.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)