

A518

06-11-2025

AKG

Ct. 15

WPA 1608 of 2025

**Puspendu Maity (Minor)
Vs.
The State of West Bengal & Ors.**

Mr. S. P. Pahari

...for the Petitioner

The petitioner alleges that unauthorized construction is being carried out at the instance of respondent nos. 5 to 7. It appears that the petitioner and respondent nos. 5 and 7 are co-sharers in respect of the property in question.

The petitioner has instituted a partition suit against respondent nos. 5 and 7 and has obtained an order of status quo in respect of the nature and character of the said property.

By filing the present writ petition, the petitioner contends that the construction undertaken by the said respondents has been made without obtaining prior permission from the concerned Panchayat Authority. It is prayed that a direction be issued upon the Panchayat Authority to demolish the impugned construction.

It is further submitted that the Panchayat Authority is not a party to the said partition suit. Therefore, the petitioner seeks a direction upon the Panchayat Authority

to take appropriate steps under Section 23(5) of the West Bengal Panchayat Act, 1973.

Having regard to the facts and circumstances of the case, I am not inclined to entertain this writ petition. It is evident that a status quo order has already been passed by the Civil Court, effectively restraining respondent nos. 5 to 7 from raising any construction on the property in question.

By filing this writ petition, the petitioner has, in effect, sought execution of the order passed by the Civil Court. There is no impediment to the petitioner filing an appropriate application before the Civil Court in the pending suit, seeking necessary reliefs in accordance with law. The petitioner, however, cannot be permitted to pursue parallel remedies before two different forums for the same cause of action.

Accordingly, this writ petition is disposed of, granting liberty to the petitioner to file an appropriate application before the Civil Court seeking necessary reliefs.

It is needless to mention that the petitioner shall be at liberty to implead the concerned Panchayat Authority in the said proceeding, in accordance with law.

Accordingly, **WPA 1608 of 2025** stands disposed of.

Urgent certified *website* copies of this order, if applied

for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)