

30.07.2025
Sl. No.21(DL)
Ct. No.42
srm

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

W.P.A. No. 1567 of 2024

Satyajit Parya & Anr.

Versus

State of West Bengal & Ors.

Mr. Debdip Mandal,
Mr. Aasif Iqbat

...for the Petitioners.

Mr. Kazi Sajjad Alam,
Mr. Bishnupada Jana,

...for the State.

Ms. Sarmistha Ghosh

...for the Respondent No.7.

This writ petition is filed seeking direction upon the respondent authorities for demolition of the unauthorised construction made by the private respondent No.7.

The petitioners contend that the petitioners and the private respondent No.7 are the joint owners of the property comprised within Dag No.747 under Khatian Nos.2850, 2851, J.L. No.46, Mouza Dhablat, P.S. Ganga Sagar Costal. The petitioners filed civil suit being Title Suit No.65 of 2021 wherein an order of *status quo* has been passed. The private respondent No.7 has made illegal construction over the joint property without obtaining sanctioned building plan

during subsistence of the injunction order. A representation was made before the concerned authority on 16th November, 2023 which has not been considered as yet. Hence, this writ petition.

Learned Advocate for the petitioners submit that the private respondent No.7 has undertaken work of construction during the subsistence of the injunction order passed by the civil court. He seeks that the matter be relegated to the Pradhan, Dhablat Gram Panchayat, the respondent No.4 to cause enquiry and dispose of the representation of the petitioners dated 16th November, 2023.

On the contrary, learned Advocate for the respondent No.7 submits that the entire dispute is civil in nature. She seeks for dismissal of the writ petition.

Learned Advocate for the State submits that the construction has been made without any permission. Be that as it may, he also submits that the matter is civil in nature and should be adjudicated by the civil court.

It is not in dispute that at the instance of the petitioners a civil suit being Title Suit No.65 of 2021, seeking for partition of the property-in-question, is filed before the learned Civil Judge (Senior Division), Kakdwip, South 24-Parganas. In the said suit an order of injunction passed directing both the plaintiffs and the defendant No.1 to maintain *status quo* in respect of

the suit property regarding its nature and character till disposal of the suit. Thus, it appears that the entire dispute is civil in nature. Accordingly, writ petition is not maintainable and is thus liable to be dismissed.

Accordingly, the writ petition being **WPA 1567 of 2024** is dismissed.

However, it is left open to the petitioners to approach the civil court, if so advised.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

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

(Bivas Pattanayak, J.)