

08.12.2025
Ct. 3
Item No.
A 21
Saswata

WPA 2319 of 2024
Resettlement Society Ltd.
Versus
State of West Bengal & Ors.

Mr. Pulakesh Bajpayee	...For the petitioner
Mr. Lalit Mohan Mohato	
Mr. Rudranil De	...For the State
Mr. Achintya Banerjee	
Mr. Atis Kumar Biswas	...For the KMC
Mr. Pinaki Dhole	
Mr. Shayak Dhole	...For the State
Mr. Dhananjay Banerjee	
Mr. Arup Bhaumik	
Mr. Agniswar Choudhury	...For the respondent nos. 7 and 8

1. Affidavit of service filed in Court today is retained with the record.
2. The present writ petition has been filed by a Cooperative society, inter alia, contending that the private respondents have transgressed 0.2 decimals of land belong to the petitioner lying and situate at RS and LR Dag no. 435/1016 and 435/1017 under LR khatian number 875, Mouza- Mondal Para, P.S. Behala, Pargana- Magura.
3. The municipality has been served and since Mr. Banerjee, learned advocate is present in Court who usually appears on behalf of the KMC, I direct the petitioner to serve a copy of the writ petition on him for him to represent the KMC.
4. Having heard the learned advocates appearing for the parties I find that a civil suit is pending between the between parties in relation to 0.2

decimals of land as aforesaid. The learned advocates appearing for the respondent nos. 7 and 8 would submit that the petitioner could not secure any injunction in connection with the title suit filed by the petitioner which is now pending before the Court of Learned Civil Judge (Junior Division), 5th Court at Alipore. According to him the private respondents have been constructing on the property on the basis of a building plan duly sanctioned by the KMC.

5. Noting that the matter pertains to a dispute as to whether the private respondents had transgressed upon the petitioner's property, in my view it shall not be proper to direct the municipal authorities to proceed in this matter except for ensuring that if any building has come up at the instance of the private respondents, the same should be in compliance with the municipal laws.
6. With the above direction and observation the writ petition is disposed of.
7. All parties shall act on the basis of server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)