

05.08.2025
Sl. No. 24(DL)
Ct. No.42
ab

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

WPA 2537 of 2024

Sambhunath Das

Versus

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti

...for the Petitioners.

Mr. Santanu Kr. Mitra, Ld. Senior Govt. Adv.

Ms. Parna Roy Chowdhury

...for the State.

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

By the present writ petition, the petitioner seeks direction upon the respondent no. 2 to dispose of the representation of the petitioner dated 21st August, 2023 (Annexure P-3 of the writ petition).

The petitioner contends that the petitioner and the private respondents are the co-sharers in respect of plot nos. 1022, 1023 and 986 within Mouza Nimkimore, J.L. No. 398 P.S. Sabang, District-Paschim Midnapore. The private respondents are raising unauthorized construction in violation of the order of status quo passed by the learned Civil Judge (Senior Division), 1st Court, Midnapore in Title Suit No. 417 of 2018. The petitioner made representation before the

Local Gram Panchayat on 21st August, 2023, however, no steps have been taken, hence this writ petition.

Mr. Salil Kumar Maiti, learned advocate for the petitioner submits that the matter may be relegated to the Pradhan of the local Gram Panchayat to consider and dispose of the representation of the petitioner dated 21st August, 2023.

Mr. Santanu Kr. Mitra, learned Senior Advocate representing State submits that over the dispute, an FIR has been lodged under Sections 143/447/188 of the Indian Penal Code and upon completion of investigation, charge sheet has been submitted. Further, the dispute is private and civil in nature. He files a report submitted by Officer-in-Charge, Sabang Police Station, Paschim Medinipur dated 21st March, 2024, which is taken on record.

Despite service, none appears on behalf of respondent no. 2 and the private respondent nos. 8 to 17.

Admittedly, the petitioner herein along with others filed a title suit before the learned Civil Judge (Senior Division), 1st Court, Midnapore being Title Suit No. 417 of 2018 for partition. In the said suit, at the instant of the petitioner, the plaintiff and the defendants were directed to maintain *status quo* in respect of the property-in-question. Thus, it appears that the entire dispute is private and civil in nature. In view of the above, the writ petition is not maintainable.

Accordingly, the writ petition being **WPA 2537 of 2024** is dismissed.

However, it is left open to the petitioner to approach the learned civil court for appropriate relief.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

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.)