

12.11.2025
ML-580
AMR
Ct.No.15

WPA 2888 of 2025
Dhananjay Santra
-vs.-
The State of West Bengal & Ors.

Syed Nasirul Hossain
Md. Jalaluddin
Mr. Debasish Maji

...for the petitioner

Ms. Mekhla Sinha

...for the Howrah Zilla Parishad

The petitioner alleges that unauthorized construction has been undertaken at the instance of respondent nos. 9 to 12.

Respondent nos. 9 to 12 are not represented.

Let the affidavit of service filed by the petitioner be kept with the records.

It appears that there is a pending partition suit between the parties, in which a preliminary decree was passed on May 19, 2018, declaring the respective shares of the parties. Pursuant to the said preliminary decree, a Commissioner has been appointed by the Civil Court.

Learned advocate appearing for the petitioner acknowledges that the building in question is being constructed under the Bangla Awas Yojana scheme.

The petitioner, however, seeks demolition of the alleged unauthorized construction.

I am not inclined to entertain this writ petition. In view of the pending partition suit between the parties, the petitioner has an efficacious remedy before the Civil Court. The petitioner cannot be permitted to pursue two parallel remedies in respect of the same subject matter.

It is also to be noted that it has been the consistent stand of the State that where a building is constructed under the Bangla Awas Yojana following the prescribed model building plan under the said scheme, the requirement of a formal sanctioned plan is not strictly insisted upon by the local Gram Panchayat. However, this Court has not gone into that aspect of the matter.

The petitioner shall be at liberty to approach the Civil Court for redressal of his grievance by filing an appropriate application in accordance with law.

With the above observations, **WPA 2888 of 2025** stands disposed of.

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

(Kausik Chanda, J.)