

13.11.2025
ML.606

Court No.15
Sg

WPA 3511 of 2025

**Jagabandhu Maity
Vs.**

The State of West Bengal & Ors.

Mr. Muhammad Obaid
....for the petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
....for the State.

The affidavit of service filed by the petitioner is taken on record.

The petitioner alleges that respondents Nos. 9 to 12 have undertaken unauthorized construction on L.R. Plot No. 505, J.L. No. 17, under the jurisdiction of Police Station Menakhan, District North 24 Parganas.

It is submitted that respondents Nos. 8 to 12 have forcibly encroached upon a portion of the petitioner's land and are carrying out construction activities without obtaining prior permission from the Panchayat authorities.

The record of rights, filed before this Court by the Officer-in-Charge of the local police station, indicates that Plot No. 505 measures slightly over four acres, of which the petitioner owns only 1.16 acres. Conversely, the names of the predecessors-in-interest of respondents Nos. 9 to 12 are recorded as

bargadars in respect of 0.28 acres of land within the said plot.

It further appears from the report that respondents Nos. 8 and 4 have been in possession of the said land for a considerable period of time. In view of the aforesaid disputed facts, this Court is not inclined to adjudicate upon the issue of whether any encroachment has been made by respondents Nos. 9 to 12 on the land owned by the petitioner. The dispute, in the opinion of this Court, appears to be civil in nature.

Accordingly, I am not inclined to entertain this writ petition.

The petitioner, however, shall be at liberty to institute a civil suit before the competent Court seeking appropriate relief. If such a suit is filed, the same shall be decided independently, without being influenced by any observation made in this order.

In view of the above, **WPA 3511 of 2025** stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(**Kausik Chanda, J.**)