

22.05.2025
Sl. No. 14.
D/L.
Mithun
Ct.No.39.

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

WPA 5100 of 2025

**Swapan Mondal & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Sarajit Sen,
Mr. Parag Mitra,
Mr. Subhajit Mondal

...for the petitioners

Mr. Dyutiman Banerjee,
Mr. Vishal Mallick

...for respondent nos. 7 and 8.

Mr. Debanjan Chatterjee

...for the State.

Affidavit of service filed on behalf of the petitioners
sis taken on record.

This writ petition is filed seeking for cancellation of
order issued by the respondent no.3, Pradhan, Madarat
Gram Panchayet and dismantle the concrete road so far
constructed through petitioners' residential house
comprised within L.R. Plot No.947 in Mouza-
Madhubanpur, under Police Station Baruipur, 24
Parganas (South).

The petitioner contends that the private
respondents are trying to make construction of a
pathway through the land of the petitioners. The
respondent no.3, Pradhan, Madarat Gram Panchayet
issued notice to the petitioners for a meeting for
resolution. The Pradhan along with the private

respondents is now trying to make construction of the said pathway most arbitrarily and illegally. The petitioner has filed a civil suit against the private respondents being Title Suit No.889 of 2024 before the learned Civil Judge (Junior Division), 1st Court at Baruipur. Challenging the aforesaid action of the Pradhan, respondent no.3, the present writ petition has been filed.

Mr. Sarajit Sen, learned Advocate for the petitioners submit that the petitioners attended the meeting pertaining to the dispute over construction of road through the private land of the petitioners undertaken by the respondents. However, nothing has been resolved as yet, rather the Pradhan of local Gram Panchayat has started to make construction of pathway through the land of the petitioners in most illegal manner. He seeks for appropriate direction restraining the Pradhan from making construction of any such road through the private land of the petitioners.

Mr. Dyutiman Banerjee, learned Advocate appearing for respondent nos.7 and 8 submits that the petitioners filed a civil suit alleging of such fact and prayed for injunction before the Civil Court. However, the interim order has been turned down and date has been fixed for hearing of the injunction application. The entire dispute between the petitioners and the private

respondents is civil in nature. He seeks for dismissal of the writ petition.

Learned Advocate for the State submits that there is a dispute with regard to making a road by filling a part of the petitioners' pond by the private respondents.

Admittedly, the contention made in the writ petition shows that the private respondents attempted to make a path/road upon filling a part of the petitioners pond for construction of a pathway. It is not in dispute that the aforesaid contention has been made by the petitioner in the civil suit being Title Suit being No. 889 of 2024 before the learned Civil Judge (Junior Division), 1st Court at Baruipur for declaration and permanent injunction, which is still pending. It is informed by the learned Advocates for respective parties that the application for temporary injunction is scheduled to be heard by the Civil Court. The dispute by and between the parties precisely appears to be civil in nature.

In view of the above, the writ petition being **WPA No.5100 of 2025** stands dismissed.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

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 this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)