

14.08.2025
Sl. No. 20.
Ct.No.42
ss

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

W.P.A. 6082 of 2024

**Kamal Krishna Pandit & ors.
Vs.
The State of West Bengal & Ors.**

Ms. Santi Das
Ms. Satabdi Das
...for the petitioners

Mr. Pantu Deb Roy, Ld. AGP
Mr. Subrata Guha Biswas
... for the State

Mr. Souvik Halder
Ms. Anushka Ghosh
Mr. Iswar Das
... for the respondent no.5

In compliance to order dated 5th August, 2025, the
Pradhan, Bibhisampur Gram Panchayat, respondent
no.5 is present.

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

By the present writ petition, the petitioners seek
direction upon the respondent authorities for demolition
of illegal and unauthorised construction undertaken by
the private-respondents on plot No.144, J.L. No.69,
Khatian Nos.2256/2258/2259/2260, Mouza Jalli
Bishnupur under Bibhisampur Gram Panchayat.

The petitioners allege of illegal unauthorised
construction undertaken by the private respondents over

the property in question. The petitioners made representation before the Pradhan of the local Gram Panchayat, respondent no.5 for redressal of their grievance but no step has been taken. Hence, this writ petition.

Ms. Santi Das, learned Advocate for the petitioners submits that despite order of *status quo* passed in the civil suit being Title Suit No.428 of 2023 by learned Civil Judge (Junior Division), 2nd Court, Contai, Purba Medinipur, the private respondents are carrying on illegal unauthorised construction encroaching over the property of the petitioners. Representation in this regard has been made before the local Gram Panchayat. However, no steps have been taken. She seeks for relegating the matter to the Pradhan of the local Gram Panchayat to dispose of the representation of the petitioners.

Mr. Pantu Deb Roy, learned Additional Government Pleader for the State submits that the dispute is civil in nature.

Mr. Souvik Halder, learned advocate for respondent no.5 also submits that the entire matter in dispute is subjudice before the Civil Court.

It is found that the petitioners filed a civil suit being Title Suit NO.428 of 2023 before the learned Civil Judge, (Junior Division), 2nd Court, Contai wherein an *ad interim* order of injunction in the form of *status quo*

has been passed on 1st December, 2023. During subsistence of such *status quo* order it is alleged that construction has been undertaken by the private respondents. From the aforesaid order of the learned Civil Judge, it reveals that the dispute as raised in the present writ petition is subjudice before the civil court. Hence, the writ petition is not maintainable and liable to be dismissed.

Accordingly, the writ petition being **WPA 6082 of 2024** stands dismissed.

There shall be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Personal appearance of the Prodhan, Bibhisapur Gram Panchayat, respondent no.5 is dispensed with.

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.)