

31.07.2025
Sl. No. 34.
D/L.
Mithun
Ct.No.42.

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

WPA 8044 of 2025

**Smt. Keka Ghosh
Vs.
The State of West Bengal & Ors.**

Ms. Apurba Kumar Ghosh
...for the petitioner
Mr. Malay Bhattacharya
...for the private respondent.
Mr. Syed Nazmul Hossain,
Ms. Amrita Tewari
...for the State

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

By the present writ petition, the petitioner seeks
for direction upon the respondent authorities for
demolition of illegal and unauthorized construction
undertaken by private respondent no.7 comprising
within R.S. & L.R. Dag No.588 Mouza-Payragacha, J.L.
No.55, P.S. Chanditala, District Hooghly.

Learned Advocate for the petitioner submits that
the private respondent no.7 has undertaken illegal
unauthorized construction over the joint property
without obtaining requisite sanction plan. He seeks for
specific direction upon the Block Development Officer,
respondent no.4 and Pradhan, respondent no.5,
Chanditala Gram Panchayat to stop such illegal
unauthorized construction.

Learned Advocate representing the private respondent submits that respondent no.7, Soma Das has purchased a portion of the property from private respondent no.8, Kaushik Ghosh and has raised construction by way of a sanctioned building plan. Respondent no.7 has filed a suit being Title Suit being Title Suit No.72 of 2025 wherein order of injunction has been passed restraining defendant from causing disturbance to the work of construction undertaken. Entire dispute is civil in nature. He seeks for dismissal of the writ petition. He files a copy of the order passed in Title Suit No.72 of 2025 by Civil Judge (Junior Division), 3rd Court, Serampore, Hooghly, which is taken on record.

Learned advocate for the State leaves the matter to the discretion of the Court.

In Title Suit No.72 of 2025, filed by respondent no.7, following order has been passed:-

“Hence, it is

That the petitioner under Order 39 Rule 1 and 2 of the CPC. filed by the petitioner is considered and allowed in ad-interim form but without any cost.

The defendants are hereby restrained from causing disturbance to the peaceful possession of the plaintiff over the suit property in any manner whatsoever or change the nature and character of the same by means of any form of construction, temporary or permanent in nature or cause obstruction to the construction work under taken by the plaintiff over the suit property as per building sanction plan dated 23.08.2024 till 21.03.2025.”

Upon bare reading of the aforesaid order, it is found that there is a specific direction upon the defendants not to cause obstruction to the construction work undertaken by the plaintiff over the suit property.

Considering the above, this Court finds that the dispute between the parties is private and civil in nature. Accordingly, writ petition is not maintainable and is liable to be dismissed.

Writ petition being No.WPA **8044 of 2025** is 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.)