

10.02.2025
Sl. No. 11.
M/L.
Mithun
Ct.No.39.

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

WPA 11358 of 2024

**Shyam Sundar Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Anindya Sundar Das,
Mr. Sudip Sarkar,
Ms. Paramita Mondal,
Ms. Suva Gayen,
Mr. Suman Halder

..for the petitioner

Mr. Dilip Kumar Sadhu

...for respondent no.8

Mr. Lalratan Mandal

...for respondent nos.11,12 & 13.

Mr. K.M.Hossain,
Mr. Basant Behari Mahato

...for the State.

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

This is the third round of litigation.

The petitioner herein previously filed the writ
petition being No.WPA 19789 of 2019 dated 14th June,
2022 alleging of illegal and unauthorized construction
by the private respondents over the '*Debottor Property*' of
which the petitioner claims to be a *Shebait*. The

aforesaid writ petition was disposed of with the following direction:

“Accordingly, this Court thinks it fit to grant leave to the petitioner to apply before the concerned authority highlighting his grievances.

In the event such a representation is made, the same shall be considered by the appropriate authority strictly in accordance with law.”

Pursuant to the aforesaid order of this Court, the respondent no.8, Pradhan, Kotulpur Gram Panchayat, Kotulpur, Bankura on 14th July, 2022 passed a reasoned order. Challenging the aforesaid order of respondent no.8, Pradhan, Kotulpur Gram Panchayat, the petitioner filed another writ petition being WPA 8921 of 2023. In the said writ petition it was contended by the petitioner that the height of the building is more than 6.5 meters and the plinth is more than 150 sq. metres. Considering the entire aspect, a Coordinate Bench of this Court disposed of the writ petition on 25th April, 2023 with the following directions:

“However, if the respondent Nos.9 to 11 have raised a construction beyond the sanction plan, in that event, the petitioner is at liberty to approach the appropriate permission granting authority against such alleged illegal construction.

If such objection is filed, the same shall be disposed of in accordance with law.”

Mr. Anindya Sundar Das, learned Advocate appearing for the petitioner submits that the building constructed by private respondent nos.11, 12 & 13 is more than 6.5 meters and the plinth is more than 150 sq. metres. The entire building is illegal. He seeks for

appropriate order for demolition of the building and rejection of the building plan.

On the contrary, Mr. Lalratan Mandal, learned Advocate appearing for the private respondent nos.11, 12 & 13 submits that the previous writ petition being WPA 8921 of 2023 was filed on the self-same cause of action, which was considered by this Hon'ble Court and necessary direction was issued. Since the present writ petition has been filed on the self-same cause of action as the earlier one and hence is not maintainable. He seeks for dismissal of the writ petition. He files a copy of the writ petition being WPA 8921 of 2023, which is taken on record.

On perusal of copy of the writ petition of WPA 8921 of 2023, it is found that a similar prayer of petitioner for demolition of the entire structure and for cancellation of the building plan was considered by this Court in the said writ petition and direction was issued. Such being the position, the present writ is not maintainable.

Accordingly, the writ petition being **WPA No.11358 of 2024** 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.)