

Dd 20 13.08.2025

FMA/878/2025
MD. MAJIBUL ISLAM AND ORS
VS
THE STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2025, CAN/2/2025

Mr. Sanjib Kumar Mukhopadhyay,
Mr. Syed Shofi Ahmed,
Mr. Syed Neaz Ahmed.
Ms. Nargis Parveen, Advocates
... .. For the Appellants

Mr. Vimal Kumar Shahi, AGP
Mr. SM Samim Ulla, Advocates
... ..For the State

Mr. Sovan Dasgupta,
Ms. Swagata Dasgupta, Advocates
... ..For the private respondents

1. Appeal is directed against an order dated April 11, 2025 passed WPA 6650 of 2025.
2. By the impugned order, learned Single Judge dismissed the writ petition after noticing that, there was a civil suit between the private parties being Title Suit No. 76 of 2007.
3. In course of hearing of the appeal, our attention was drawn to the fact that, Title Suit No. 76 of 2007 was dismissed for non-appearance of the parties and an application for restoration is pending which is yet to be disposed of.
4. During the pendency of the appeal, again, our attention was drawn to the fact that, the private respondents illegally encroached upon land belonging to the appellants in respect of a different

plot of land. A boundary wall in respect of such plot of land was demolished.

5. Therefore, in the present appeal, two tranches of plots of land are involved. Since the land comprising of Title Suit No. 76 of 2007 is a subject matter of a civil suit, we pass no order with regard thereto. Private parties are at liberty to avail of their remedies before the civil Court in accordance with law.
6. So far as the other tranche which is beyond the tranche involved in T.S. No. 76 of 2007, learned advocate appearing for the private respondents submits that his clients are not claiming any right, title or interests in respect thereof.
7. Learned advocate appearing for the State submits that boundary wall as allowed to be erected.
8. In such circumstances, no further order need be passed so far as the other tranche of land is concerned.
9. In view of the discussions above, FMA/878/2025 along with the connected applications are **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)