

07.08.2025
Sl. No. 22
Ct No. 42
SG

WPA 11044 of 2025

**Tanua Maa Durga Hatt Unnayan Samiti & Ors.
Vs
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyya, Sr. Adv.
Ms. Megha Datta,
Mr. T. Pramanick.

...for the petitioner

Mr. Soumyajit Das Mahapatra,
Mr. Madhurai Sinha,
Ms. Upasana Banerjee.

...for respondent nos. 8 to 18

Mr. Tanay Chakrobarty,
Ms. Susmita Chatterjee.

...for the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. This writ petition is filed seeking direction upon the respondent authorities, particularly upon respondent nos. 1 to 7 to initiate proceedings against respondent nos. 8 to 18 for wrongfully taking control of the said *Haat* Land land by illegal trade practices like selling of liquor, etc. and creating serious law and order concern.
3. The petitioners contend that they are the founding trustees of registered charitable trust which is known as “*Tanu Maa Durga Haat Unnayan Samiti*” and the said trust was duly constituted through execution of deed of

trust on 28th March, 2024. Further, the petitioners claim that petitioner nos. 15 and 16 are the absolute owners and lawful possessors of 0.32 decimals and 0.30 decimals of land respectively, resulting in combined ownership of 0.62 decimals of land situated in L.R. Dag No. – 1504, Khatian Nos. 392, 839, J.L. No. – 398, Mouza – Tanua, Block – Mohanpur, Dist. Paschim Medinipur. Petitioner nos. 15 and 16 jointly handed over 0.62 decimals to the trust. They are the legal heirs of the original owners of the land identified as L.R. Dag No. 1504. Following the demise of the original owners, their legal heirs entered into an agreement with the trust (petitioner no.1) for rightful management of the said land and subsequent thereto, by way of a deed of gift, transferred the said land measuring 30 decimals in favour of the trust (petitioner no.1). Thus, the trust (petitioner no.1) is having absolute ownership of 0.92 decimals in property-in-question. The land was entrusted to the trust for service of the community and accordingly, the *Haat* was established for supporting rural economic development, ensuring access to essential goods and facilitating fair trade transaction. The petitioners alleges of approximately 7 to 8 illegal/unauthorized constructions of permanent nature been undertaken by respondent nos. 8 to 18 on the said plot of land without sanction building plan or

government approval. The petitioners through their authorized agent and learned advocate submitted a representation on 28th April, 2025 before the Pradhan, respondent no. 7, Tanua 5 No. Panchayat for redressal of their grievances. Since no steps has been taken, hence, this writ petition.

4. Mr. Billwadal Bhattacharyya, learned Senior Advocate appearing for the petitioners submits that by dint of deed of trust a charitable trust was formed and subject land measuring 0.92 decimals was transferred in favour of the trust by petitioners precisely for service of the community. The petitioners, who are the legal heirs of the original owners, approached the local gram panchayat alleging of such illegal and unauthorized construction undertaken by private respondent nos. 8 to 18. However, no steps have been taken. The Pradhan is the appropriate authority to take steps in terms of Section 23 of the West Bengal Panchayat Act, 1973 against such illegal construction of private respondent nos. 8 to 18. He seeks that the matter be relegated to the Pradhan of local Gram Panchayat to cause inquiry and dispose of the representation of the petitioners dated 28th April, 2025.

5. On the contrary, Mr. Soumyajit Das Mahapatra, learned Advocate appearing for the respondent nos. 8 to 18 submits that pertaining to the aforesaid property the

respondents have filed a civil suit for declaration, permanent injunction with alternative relief for recovery of possession being Title Suit No. 182 of 2025 which is pending before Civil Judge (Senior Division), Kharagpur, Paschim Medinipur. In the said suit upon hearing the plaintiff, the learned trial Court has passed an order of *status quo* in respect of the property in question with regard to its nature, character and existing possession as on date. The private respondents are carrying on business since 1991. There is no such illegal construction undertaken by the private respondents. Previously, petitioner nos. 2 approached this Court in WPA 25660 of 2024 wherein liberty was granted to the petitioners to approach the jurisdictional civil court and/or criminal court for necessary relief. No such civil suit has been filed by the petitioners. He also indicates that the petitioner no. 2 sought for mutation of property within L.R. Dag No. 1504, Khatian No. 839 before the Block Land and Land Reforms Officer under Section 15 of the West Bengal Land Reforms Act, 1955. Since there was mismatch of claims with that of document produced the prayer of the petitioner was turned down. The entire dispute is civil in nature. He seeks for dismissal of the writ petition.

6. Learned Advocate appearing for the State submits that the respondent nos. 8 to 18 have different shops

within the plot in question and they are carrying on their business for last 20 years and have not undertaken any work of construction for the last five years. He files report furnished by Inspector In-Charge dated 4th August, 2025 which is taken on record.

7. Petitioners have claimed in the present writ petition that they are founding trustees of trust known as “*Tanu Maa Durga Haat Unnayan Samit*”. The private respondents have filed a suit before the Civil Judge (Senior Division), Kharagpur, Paschim Medinipur being Title Suit No. 182 of 2025. Upon going through the facts as noted by the Civil Court in its order dated 25th July, 2025, it is found that facts in dispute in the present writ petition is pending before the Civil Court. The order of the Civil Court in aforesaid suit records that the plaintiffs have challenged the validity of trust deed executed in the year 2024. Upon considering the entire facts the Civil Court has passed the following order:-

“that both the parties to the suit are directed to maintain status-quo in the ‘A’ schedule suit property, regarding its nature, character, and existing possession, as on this date, till next date”

8. As it appears that the entire dispute as raised in the present writ petition is pending before the Civil Court, accordingly, this writ petition is not maintainable and is liable to be dismissed.

9. Accordingly, the writ petition being **WPA 11044 of 2025** stands dismissed.

10. However, it is left open to the petitioners to approach the Civil Court for proper relief.

11. Since no affidavits have been called for from the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

12. Interim order, if any, stands vacated.

13. All connected applications, if any, stand disposed of.

14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. 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.)