

23.06.2025

Item No.24
Ct. No.35
dc.

W.P.A. 11414 of 2025

**Sunil Mistry
versus
The State of West Bengal & Ors.**

Mr. S. K. Bhattacharyya,
Mr. Sandip Das ... For the Petitioner.

Mr. Suman Ghosh,
Mr. Siddhartha Ghosh ... For the State.

Md. Wasim Akram,
Ms. Reshmi Khatun,
Mr. Minhaz S. Islam ... For the Respondent No.5.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocates appearing for the petitioner and the respondent no.5.

The petitioner is aggrieved by the fact that in spite of informing the Raidighi Police Station with regard to construction of his house under Pradhanmantri Awas Yojona Scheme, there has been interference at the behest of the respondent no.5. The petitioner claims that he is not constructing the house in the land which is the subject-matter of a civil suit and is constructing at a separate plot of land.

Learned advocate appearing for the private respondent no.5, on the other hand, submits that the construction is being made in the same land, as

such there has been resistance from the respondent as the civil court is already in seisin of the issue.

State has submitted a report which reflects that a civil case being T.S. No. 44 of 2007 is pending which involves the petitioner and other co-sharers including the respondent no.5.

Having regard to the subject-matter of issue, if there is any dispute in respect of the land, civil court would decide the same. Police authorities have been keeping a strict vigil as they have already drawn up proceedings under Section 126 of BNSS against both the parties. Police authorities would continue their surveillance and ensure that no breach of the peace or tranquility takes place at the locale and/or any untoward incident results because of the inimical relationship existing between the petitioner and the private respondent.

With the aforesaid observations, the writ petition being WPA 11414 of 2025 is disposed of.

There will be no order as to costs.

All concerned parties shall act on the server copy of this 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 upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)