

AD-205
18.11.2025
Court No.18
pg.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13586 of 2024

Habulal Mahato
-versus
The State of West Bengal & Ors.

Mr. Gautam Lahiri
...For the petitioner

1. Affidavit of service filed in Court is taken on record.

2. The petitioner claims to be the owner of a plot of land over which a school is functioning since 1979. It has been submitted that the construction over his private plot of land has been made by the authorities forcibly without taking any recourse to law.

3. The petitioner claims to have made representation before the authority and alleges that no steps have been taken in response thereto. Prayer has been made to direct demolition of the school or for payment of compensation on the ground of using the land of the petitioner.

4. None represents the respondents.

5. On a perusal of the documents annexed to the writ petition, it is clear that the school is in occupation of the subject plot of land since 1979 or prior thereto. The representation claimed to be made is only in April, 2025. There is nothing in between to show that the petitioner raised objection before any authority

against the alleged illegal act of the school in utilizing his private land.

6. It has also been mentioned in paragraph 5 of the writ petition that the petitioner fell seriously ill in 2017 and was confined to bed. He was not in a position to move. Taking advantage of the petitioner's ill-health, the petitioner has been evicted from the said plot of land.

7. Paragraph 6 of the writ petition mentions that within a few days, two storied building was constructed using muscle power and without taking any building plan. Paragraph 7 of the writ petition mentions that the school building was inaugurated by the then Member of Parliament of Purulia. Paragraph 8 mentions that a Government aided High Secondary School is running in the said land.

8. On a perusal of the averments made in the writ petition, it appears that the dispute of the petitioner is absolutely a private dispute, civil in nature.

9. If the petitioner is aggrieved by infringement of his civil rights, the petitioner ought to approach the competent authority for remedy. The Writ Court is not the appropriate forum to provide any relief to the petitioner.

10. The writ petition fails and is hereby dismissed.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)