

04.12.2025
SI No.2
Ct. No.15
S.A.

WPA 12524 of 2024

Partha Pratim Banerjee
-vs-
The State of West Bengal & Ors.

Mr. Amitava Mukherjee
Ms. Arpita Saha
Ms. Ankita Ghosh
...for the petitioner
Ms. Jayeeta Sinha
Mr. Ranjit Rajak
...for the State
Mr. Aniruddha Mitra
Mr. Gaurav Purkayastha
Ms. Anju Chakraborty
...for respondent nos.6 to 9

The petitioner asserts ownership over R.S. Plot No. 1051, Mouza Ayodhya, R.S. Khatian No. 70, Police Station Baghmundi, District Purulia.

The petitioner alleges that respondent nos. 6 to 9 have carried out unauthorized construction on the said land without obtaining any sanctioned plan from the Panchayat Authority. It is further alleged that respondent nos. 6 to 9 are operating a guest house on the said plot. The petitioner states that he has instituted Title Suit No. 277 of 2018 before the Court of the learned Civil Judge (Senior Division), Purulia, seeking a declaration of his right, title, and interest in respect of the disputed land.

Respondent nos. 6 to 9 were impleaded as defendants in the said suit. The Civil Court, by an order dated July 2, 2019, directed the parties to

maintain status quo. It is alleged that respondent nos. 6 to 9 continued construction and commercial activities in violation of the said order.

Learned counsel for the petitioner submits that a sanctioned plan was obtained by respondent nos. 6 to 9 only on March 27, 2024. It is therefore evident, according to the petitioner, that the sanctioned plan was procured after the completion of construction.

Learned counsel appearing on behalf of respondent nos. 6 to 9 submits that they inherited the land from their forefathers. It is further submitted that respondent nos. 6 to 9 have duly obtained both the sanctioned building plan and the trade licence from the local Panchayat Authority.

A copy of the sanctioned plan has been produced before this Court and has also been handed over to learned counsel for the petitioner.

It is additionally alleged that the petitioner has already filed an appropriate application before the learned Civil Judge (Senior Division) alleging violation of the status quo order, but no order has been passed thereon to date. It is further submitted that the petitioner's prayer for local inspection in connection with the said application was rejected by the learned Trial Judge. The petitioner has challenged that order by filing an application under Article 227 of the

Constitution of India before this Court, which is still pending.

In view of the aforesaid circumstances, I am not inclined to entertain this writ petition. The sanctioned plan having been placed on record, the petitioner's allegation that the construction was undertaken without any sanctioned plan stands contradicted. As regards the alleged violation of the status quo order, this Court is of the view that since the petitioner is already pursuing remedies before the competent Civil Court, he cannot simultaneously maintain the present proceeding.

Accordingly, **WPA 12524 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)