

12.09.2025
Sl. No.29(DL)
Ct. No.42
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 13230 of 2025

Mahadeb Bhandari

Versus

The State of West Bengal & Ors.

Mr. S. Chatterjee,
Mr. Kiron Sk.

...for the Petitioner.

Mr. Arijit Sarkar,
Mr. Krishna Deo Das

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities for removal of the unauthorised construction made by the private respondent No.8 (at the south side of the building) on 8 decimals of land out of 16 decimals situated in LR Plot No.1454, LR Khatian Nos.1344 and 1794, J.L. No.84, Mouza-Keotkhan, PS-Falta, South 24-Parganas and for consideration of representations dated 17th April, 2025 and 4th June, 2025 (Annexure P-3).
3. Petitioner contends that predecessor-in-interest of the petitioner, namely, his father Dhananjay Bhandari was the absolute owner in respect of 16

decimals of land out of 64 decimals of land comprised within LR Plot No.1454, LR Khatian Nos.1344 and 1794, J.L. No.84, Mouza-Keotkhan, PS-Falta, South 24-Parganas and his name has duly been recorded in the record of rights. The predecessor-in-interest of the petitioner transferred 16 decimals of land in equal share in favour of his two sons namely the petitioner and the private respondent No.8 by registered deed of gift and their names have duly recorded in the LR record of rights. The petitioner filed a civil suit being Title Suit No.175 of 2024 before the learned Civil Judge (Senior Division), Diamond Harbour, South 24-Parganas seeking for partition of the aforesaid joint property. In the said suit, learned Civil Judge has passed order of *status quo* over the property regarding its nature and character. The private respondent No.8 in violation of the order of injunction has undertaken construction of 'pucca' house over the property-in-question without obtaining sanctioned building plan. The petitioner made representations before the local gram panchayat for removal of such illegal and unauthorised construction. However, no steps have been taken. Hence, this writ petition.

4. Mr. S. Chatterjee, learned Advocate for the petitioner submits that the matter be relegated to the Pradhan, Harindanga-II Gram Panchayat,

respondent No.6 to cause enquiry and dispose of the representations of the petitioner.

5. Mr. Arijit Sarkar, learned advocate for the State submits that the dispute is civil in nature.
6. Admittedly, the petitioner filed a suit being Title Suit No.175 of 2024 before the learned Civil Judge (Senior Division), Diamond Harbour, South 24-Parganas and on the prayer of the petitioner seeking for an order of injunction learned civil court has passed order directing both the plaintiff and the defendant No.1 to maintain *status quo* in respect of the nature and character of the suit property. Accordingly, it is found that the entire dispute is private and civil in nature and thus the writ petition falls short of merit.
7. Accordingly, the writ petition being **WPA 13230 of 2025** stands dismissed.
8. Interim order, if any, stands vacated.
9. All connected applications, if any, stand disposed of.
10. There shall be no order as to costs.
11. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
12. 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.)