

13 03-11-2025
AKG
Ct. 15

WPA 13902 of 2025
Sri Jogindra Nath De @ Jogin De
Vs.
The State of West Bengal & Ors.

Mr. Ramij Munsii,
Mr. Soham Saha

...for the Petitioner

Mr. Saikat Chatterjee,
Ms. Tanuja Basak

...for the State

Let the report filed by the State be kept with the records.

Learned advocate appearing for the petitioner alleges that unauthorised construction has been undertaken at the instance of respondent Nos. 8 to 10. It is submitted that they have commenced construction work without obtaining the requisite permission from the Bhastara Gram Panchayat.

Learned advocate appearing for respondent Nos. 8 to 10, however, submits that the said construction is approximately fifty years old. It is further submitted that a civil suit is presently pending between the parties with respect to the construction in question.

Learned advocate appearing for the petitioner, however, contends that the subject matter of the civil suit pertains to a dispute over title between the parties, whereas the

present writ petition has been filed seeking demolition of the construction alleged to have been raised without any sanctioned plan from the concerned Panchayat.

It is further submitted on behalf of the petitioner that an application filed under Section 151 of the Code of Civil Procedure, 1908, alleging violation of the order of status quo, has not yet been disposed of.

In view of the above, I am not inclined to entertain the present writ petition, particularly in light of the fact that in Title Suit No. 13 of 2013, the learned Civil Judge (Junior Division), Additional Court, Hooghly, has passed an order directing maintenance of status quo over the suit property till disposal of the suit. The petitioner has also filed an application alleging violation of the said order by respondent Nos. 8 to 10.

The petitioner cannot be permitted to pursue two parallel remedies concerning the same construction.

Accordingly, this writ petition is disposed of with a direction upon the learned Civil Judge (Junior Division), Additional Court, Hooghly, to dispose of the petitioner's application filed under Section 151 of the Code of Civil Procedure, 1908, within a period of three months from the date of communication of this order, without granting any unnecessary adjournment to either of the parties.

WPA 13902 of 2025 stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)