

08.08.2025
Sl. No.27.
D/L
Ct. No.42
Mithun

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

W.P.A. 14374 of 2025

Utpal Kumar Pradhan

Versus

The State of West Bengal & Ors.

Mr. Sailen Chakraborty,
Mr. Aswini Kr. Bera

...for the Petitioner

Mr. Sukanta Chakraborty,
Mr. Mazhar Hossain Chowdhury,
Ms. Chandrima Debnath,
Ms. Sahin Sultana

...for respondent no.13.

Ms. Mitali Mukherjee,

...for the State-respondents.

Affidavit-of-service filed by the petitioner is taken
on record.

By the present writ petition, the petitioner seeks
for direction upon the respondent no.6 to take steps for
demolition of the unauthorized construction
undertaken by private respondent no.13.

The petitioner contends that he is a co-sharer in
respect of plot no.162 and other joint properties
measuring 61 decimals within Mouza-Bhupatinagar,
J.L. No.253 under police station Bhupatinagar. For
effecting partitions of the joint parties, the petitioner
filed a suit for partition before the learned Civil Judge
(Senior Division), 1st Court, Contai. In the said suit, at
the instance of the petitioner, an order of *status quo*

has been passed by the Civil Court. The private respondent no.13 has purchased certain portion of land from one of the co-sharers namely respondent no.12. In violation of such order of *status quo*, the private respondent no.13 has raised construction. Representation was submitted before the local Gram Panchayat, however, no steps have been taken as yet. Hence, this writ petition.

Mr. Aswini Kr. Bera, learned advocate for the petitioner seeks that specific direction be issued upon respondent no.6, Pradhan, Mugberia 6 No. Gram Panchayat to stop the ongoing work of construction and also remove the unauthorized construction already done, since the respondent no.13 has violated the order of injunction passed by the Civil Court.

On the contrary, Mr. Sukanta Chakraborty, learned Advocate for the respondent no.13 submits that he has purchased 4 decimals of land within plot No.162 out 61 decimals from one of the co-sharers and the work of construction has been undertaken on the basis of a sanction building plan issued by respondent no.6, Pradhan, Mugberia 6 No. Gram Panchayat. He files a copy of the sanction building plan which is taken on record.

Ms. Mitali Mukherjee, learned Advocate for the State submits that there is existing dispute between the petitioner and the private respondents concerning the ownership and possession of the said plot. A civil

suit is pending before the jurisdictional Civil Court for partition. The respondent no.13 has commenced unauthorized construction on the disputed land. She files a report furnished by Officer-in-Charge, Bhupatinagar Police Station dated 3rd July, 2025 which is taken on record.

Admittedly, a Civil Suit has been filed for partition being Title Suit No.670 of 2021 wherein the learned Civil Court has passed the following order:-

“ORDERED,

that the application under order 39, rule 1 and 2 read with section 151 of the Code of Civil Procedure is allowed, ex parte.

Both the parties are directed to maintain status quo in respect of nature, character and possession over ‘Ka/1’ schedule suit property till 09.09.2021.

Issue notice upon the defendants to show cause within seven days from the receipt of the same as to why the petition under order 39, rule 1 and 2 read with section 151 of Code of Civil Procedure shall not be allowed.

The plaintiff is directed to comply the provision under order 39 rule 3(a) & 3(b) the Code of Civil Procedure.

Todate (i.e., 18.12.2021) for S/R and show cause.”

Thus, it is found that the dispute between the parties is private and civil in nature. As such, the writ petition is not maintainable.

Accordingly, the writ petition being **WPA 14374 of 2025** stands dismissed.

However, it is left open to the petitioner to approach the jurisdictional Civil Court for proper relief.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the 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 subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)