

11.11.2025

Sl. 38

Ct.No. 15

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15344 of 2025

Narayan Chandra Sen

Vs.

The State of West Bengal and ors.

Mr. Susanta Pal
Mr. Manik Kundu
Mr. Janardan Mandal

...for the petitioner

Mr. Lalit Mohan Mahata,ld.AGP
Ms. Tuli Sinha

...for the State

The affidavit of service filed by the petitioner
is taken on record.

The Officer-in-Charge, Bhatar Police
Station, District-Purba Bardhaman, has filed a
report before this Court today through the
learned advocate appearing for the State. The
said report is taken on record.

The petitioner alleges that, taking advantage
of his temporary absence, the respondent nos. 8
and 9 have undertaken unauthorized
construction on Dag No. 917, Khatian No. 466,
Mouza-Chandipur, Block-Bhatar, District-Purba
Bardhaman.

The petitioner further claims to be the
owner of a portion of the said plot of land. In
support of his claim of ownership, the petitioner

has annexed to the writ petition a copy of the relevant record of rights, indicating that his name is recorded as a raiyat in respect of the said plot.

The respondent nos. 8 and 9 are not represented before this Court.

The report submitted by the Officer-in-Charge of the local police station indicates that, at present, the respondents nos. 8 and 9 have stopped the unauthorized construction. It further appears that there exists a civil dispute regarding the ownership of the land in question, and that the petitioner has instituted a title suit before the competent Civil Court.

The petitioner has also filed an application for injunction in the said civil suit, seeking to restrain the respondents nos. 8 and 9 from interfering with his peaceful possession of the property. The said injunction application is, however, yet to be decided.

In view of the pendency of the said application before the competent Civil Court, I am not inclined to pass any order in the present writ petition.

The learned advocate for the petitioner submits that the respondents nos. 8 and 9 have undertaken the construction work without obtaining permission from the Panchayat

Authority, in violation of the provisions of the West Bengal Panchayat Act, 1973. It is further submitted that this issue is not the subject matter of the pending civil suit, and therefore, this Court should entertain the writ petition notwithstanding the pendency of the civil proceedings.

In my view, the petitioner cannot be permitted to pursue parallel remedies with respect to the same subject matter. The alleged construction is already a matter under consideration in the civil suit, and the Civil Court is competent to pass appropriate orders concerning the alleged unauthorized construction.

In view of the foregoing discussion, **WPA 15344 of 2025** stands disposed of.

However, the dismissal of this writ petition shall not have any bearing on the merits of the civil suit presently pending before the learned trial court. The learned trial judge shall dispose of the said suit independently and without being influenced by any of the observations made by this Court in this order.

All parties shall act in terms of the copy of this order duly downloaded from the official website of this Court.

Urgent certified photocopy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Kausik Chanda,J.)