

11.11.2025
Sl No.30
Ct. No.15
S.A.

WPA 15237 of 2025

Md. Badroddoja @ Mojibur Rahaman
-vs-
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
... for the petitioner
Mr. Joydip Banerjee
Mr. Raja Ram Baneerjee
...for the State
Mr. S. Nandy
...for respondent nos.8 & 9

It is the case of the petitioner that respondent no. 8 had instituted a title suit against the petitioner and others seeking a declaration of right, title, and interest of respondent no.8 in respect of the property in question.

The said suit was dismissed by the competent Civil Court.

It is alleged that, despite dismissal of the said suit, respondent nos. 8 and 9 are forcefully raising construction on the disputed land.

Learned counsel appearing for respondent nos. 8 and 9 submits that an appeal has been preferred against the judgment and decree of the Civil Court. It is, however, denied that any construction is being undertaken at the instance of respondent nos. 8 and 9 on the said property.

Neither the pleadings of this writ petition nor the representations annexed to the present writ

petition allege that the construction in question is being carried out without permission from the competent authority.

Upon perusal of the materials on record, it appears that the dispute between the petitioner and respondent nos. 8 and 9 is essentially private and civil in nature. There is no scope for adjudication of such issues in a writ proceeding under Article 226 of the Constitution of India.

The petitioner is at liberty to seek appropriate relief before the Civil Court, in accordance with law, against the alleged acts of respondent nos. 8 and 9.

Accordingly, **WPA 15237 of 2025** stands 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.)