

11.11.2025
Sl No.33
Ct. No.15
S.A.

WPA 15309 of 2025

Gita Mistry
-vs-
State of West Bengal & Ors.

Mr. Md. Hasanuz Zaman
...for the petitioner
Mr. J Sinha
Mr. Sandip Mandal
...for the State
Mr. Mrinal Kanti Ghosh
...for respondent no.7

The petitioner alleges that respondent no. 7 has undertaken unauthorized construction at the relevant premises. It is submitted by learned counsel appearing for the petitioner that respondent no. 7 has carried out construction on the said plot of land without obtaining prior permission from the Panchayat Authority. The petitioner claims to be one of the co-sharers of the said property.

Learned counsel appearing for respondent no. 7 submits that the petitioner has already instituted a partition suit before the competent Civil Court. By an order dated December 18, 2024, the Civil Court has directed the parties to maintain status quo. It is further submitted that no pucca construction has been made by respondent no. 7, and that only a structure consisting of brick walls and an asbestos shed has been erected. It is also submitted that

respondent no. 7 has already applied to the Panchayat for necessary permission.

Learned counsel appearing for the petitioner, however, contends that respondent no. 7 has raised a permanent structure in violation of the Civil Court's order.

It appears from the materials on record that the Civil Court has already restrained respondent no. 7 from changing the nature and character of the suit property.

The petitioner, therefore, has an effective remedy before the Civil Court if any alleged unauthorized construction is carried out in violation of the said order. The petitioner cannot be permitted to pursue parallel remedies before this Court and the Civil Court concerning the same subject matter.

The petitioner shall be at liberty to approach the competent Civil Court for redress in accordance with law if any unauthorized construction is made in violation of the subsisting order of status quo.

In view of the above, **WPA 15309 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.)