

Sl. No.02
05.12.2025
Suman
Ct. 15

WPA 16335 of 2024

Tulsi Bala Dhara
Vs.
The State of West Bengal and Ors.

Mr. Prasenjit Mukherjee
Mr. Arghya Kamal Das
..for the petitioner

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das
..for the State

Mr. Sauradeep Dutta
Mr. Himadree Ghosh
..for the private respondent

The petitioner alleges that unauthorised construction is being carried out at the instance of respondent nos. 9 to 12.

It appears that the petitioner and respondent nos. 9 to 12 are co-sharers of a property situated at L.R. Dag No. 2654, L.R. Khatian No. 302/1, Mouza–Choutara, J.L. No. 56, P.S. Dhaniakhali, District Hooghly.

Learned counsel appearing for respondent nos. 9 to 12 denies the allegations of unauthorised construction.

It further appears that the petitioner has already approached the learned Civil Judge (Junior Division), Additional Court, Hooghly, seeking a declaration of title

and an order of injunction against respondent nos. 9 to 12.

By an order dated 3 December 2024, the Civil Court granted an injunction directing maintenance of status quo.

Learned counsel for the petitioner submits that construction is continuing in violation of the aforesaid injunction order and without any sanctioned plan from the Panchayat authority.

In my view, in the event of any violation of a status quo order issued by a Civil Court, the petitioner is required to approach the Civil Court under the appropriate provisions of law. The petitioner ought not to be permitted to pursue parallel remedies in respect of the same construction.

It is, however, desirable that if the petitioner files any application before the learned Civil Judge alleging violation of the order dated 3 December 2024, the same shall be considered as expeditiously as practicable.

Accordingly, **WPA 16335 of 2024** is disposed of.

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.)