

07.03.2025  
Sl. No. 19.  
D/L.  
**Mithun**  
Ct.No.39.

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

**WPA 17304 of 2024**

**Farhad Hossain  
Vs.  
The State of West Bengal & Ors.**

Mr. Arka Nandi,  
Mr. Ritwik Basu

...for the petitioner

Ms. Jayeeta Sinha,  
Mr. Sandip Mondal

...for the State-respondents.

Mr. Santimay Bhattacharya,  
Mr. Ziaul Haque,  
Mr. Anirban Das

...for respondent nos.6 & 7.

Mr. Aswini Kumar Bera,  
Mr. Arijit Bera

...for private respondent nos.12 to 16.

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

This writ petition has been filed for removal of  
illegal encroachment and demolition of tin shedded pucca  
structures over Dag No.250 and Dag No.253 within  
Khatian no.439 and Dag No.251, Khatian No.95/1, J.L.  
No.244, Mouza-Dalapatipur, Police Station-Debra,  
District-Paschim Medinipur.

The petitioner alleges of encroachment and  
unauthorized construction by the private respondents  
over the property-in-question.

This is third round of litigation.

Previously, a writ petition being WPA No.24522 of 2022 was filed by the petitioner complaining of encroachment of a portion of land of the National Highways Authority of India by the private respondents. The said writ petition was disposed of with the following directions:-

*“In view of the above, the writ petition is disposed of directing the 3<sup>rd</sup> respondent to treat the writ petition as representation submitted by the petitioner and consider and dispose of the same within two months from the date of receipt thereof upon affording reasonable opportunity of hearing to all the interested parties including the petitioner and the private respondents, in accordance with law.”*

On 18<sup>th</sup> January, 2023 reasoned order was passed. Such order was challenged by the private respondents in WPA 1845 of 2023 and the following order was passed:-

*In view of the above, the order impugned passed on 18<sup>th</sup> January, 2023 is set aside. The writ petition is disposed of directing the 3<sup>rd</sup> respondent to reconsider the representation submitted by the petitioners dated 29<sup>th</sup> December, 2022 within a fortnight from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioners, in accordance with law.”*

Thereafter another reasoned order was passed on 24<sup>th</sup> March, 2023 directing for removal of the unauthorized occupants. The petitioner contends that after the demolition work was undertaken by the National Highways Authority of India, the private respondents have encroached into the portion of land belonging to the petitioner by constructing tin-shed structure. He seeks for appropriate order for removal of such encroachment by demolition of tin-shed structure.

Mr. Aswini Kumar Bera, learned Advocate representing the private respondents submits that they are in occupation of the property since long. Civil suits are pending by and between the parties. Referring to Page 88 of the writ petition, he submits that the petitioner himself has admitted of pendency of Title Suit No.572 of 2022 pending before the Civil Judge (Junior Division), 1<sup>st</sup> Court, Paschim Medinipur pertaining to the self-same property in question. He also informs the Court that in the said suit the petitioner has filed his written statement and the next date is fixed on 11<sup>th</sup> June, 2025.

Ms. Jayeeta Sinha, learned Advocate for the State-respondents also submits that civil suit has been filed by one Khurshed Shah @ Ganesh Shah against the petitioner and others. Further private respondent no.14 has lodged a criminal case against the petitioner in which charge-sheet has also been submitted. A prosecution under Section 107 Cr.P.C. against the private respondents have been submitted vide a Debra Police Station NCR No.213/24 to maintain peace and tranquillity in the area. She files report furnished by Officer-in-Charge, Debra Police Station dated 20<sup>th</sup> February, 2025, which is taken on record.

Mr. Santimay Bhattacharyya, learned Advocate representing respondent no.6 & 7, Paschim Medinipur

Zilla Parishad submits that the entire dispute is civil in nature.

In reply, Mr. Arka Nandi, learned Advocate for the petitioner submits that Title Suit 572 of 2022 relates to dispute pertaining to ingress and egress and right of usage of the way and is in no way connected with the facts as contended in the writ petition.

Considering the submissions advanced and the materials placed before this Court as well as letter at page 88 of the writ petition, there cannot be any quarrel that civil suits are pending by and between the parties concerning the property-in-question. The dispute as raised in the writ petition is civil in nature. In light of the above, the writ petition falls short of merit.

Accordingly, the writ petition being **WPA 17304 of 2024** stands dismissed.

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.)**