

624&625 10-12-2025
AKG
Ct. 15

WPA 18823 of 2024
Babultali Raninagar Krishi Unnayan Samity Limited
Vs.
The State of West Bengal & Ors.
With
WPA 542 of 2024
Aoyal Sekh
Vs.
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal,
Mr. Hamidur Rahaman
...for the Petitioner in WPA 542/2024

Mr. Sarbananda Sanyal,
Mr. Hamidur Rahaman
...for the Respondent in WPA 18823/2024

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata
...for the State

The petitioner in WPA 542 of 2024 alleges that the petitioner in WPA 18823 of 2024 has undertaken unauthorised construction encroaching upon a portion of land owned by him, without obtaining any sanctioned plan from the competent authority.

The petitioner in WPA 18823 of 2024 is absent at the time of call. In the writ petition, the petitioner has prayed for demolition of an alleged unauthorised construction undertaken by the petitioner in WPA 542 of 2024.

Learned counsel appearing for the petitioner in WPA 542 of 2024 submits that, with respect to the issue of unauthorised construction, a civil suit is presently pending between the parties, in which the

competent Civil Court has passed an order directing maintenance of status quo regarding the nature and character of the property in question. It is alleged that, in violation of the said status quo order, construction work is continuing.

Having regard to the aforesaid facts, I find no reason to entertain these two writ petitions. The petitioner in both the cases cannot be permitted to proceed with these two writ petitions as surrogate proceedings. Accordingly, both writ petitions are disposed of, granting liberty to the parties to file appropriate applications in the pending civil suit for redressal of their grievances.

It is unnecessary to state that any construction work shall be subject to the outcome of the civil suit.

Accordingly, **WPA 18823 of 2024** and **WPA 542 of 2024** stand disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)