

Sl. No.ML627
10.12.2025
Suman
Ct. 15

WPA 18904 of 2024

Kartick Chandra Paul
Vs.
The State of West Bengal and Ors.

Mr. Kajal Ray
....for the petitioner

Mr. S. Nandy
..for respondent no.6.

Ms. Rupsha Chakraborty
Ms. Mohuya Dutta Biswas
..for the State

Let the report filed by the State be kept with the records.

Learned counsel appearing for the petitioner submits that respondent no. 6, a co-sharer, has undertaken unauthorised construction on the relevant plot of land without obtaining any sanctioned plan from the Panchayat authority.

Learned counsel appearing for respondent no. 6 submits, on the other hand, that the construction in question is forty years old. A partition suit is pending between the parties, and the Civil Court has already passed an order of status quo, restraining the parties from altering the nature and character of the property in question.

The counsel for the petitioner, however, submits that the issues involved in the pending partition suit and the cause of action in the present writ petition are entirely distinct, as the private respondent has allegedly carried out construction without securing the requisite statutory approval from the Panchayat authority.

I am not inclined to entertain this writ petition to continue as a parallel proceeding in respect of the same alleged unauthorised construction. The petitioner has his remedy before the Civil Court, if there is any violation of the status-quo order.

Accordingly, **WPA 18904 of 2024** is disposed of granting liberty upon the petitioner to file appropriate application in the pending suit.

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.)