

S/L 9
10.09.2025
Court. No. 19
Sourav

WPA 18136 of 2025

**Apurba Jana @ Apurba Chandra Jana
Vs.
The State of West Bengal & Ors.**

Mr. Manoranjan Jana

...for the petitioner.

*Mr. Chandi Charan De, Ld. AGP
Mr. Anirban Sarkar*

...for the State.

*Ms. Reshmi Khatun
Mr. Subhankar Mondal*

...for the respondent no. 10.

1. The affidavit-of-service as filed today on behalf of the writ petitioner is taken on record.
2. On perusal of the petition under consideration and after hearing the learned advocate for the writ petitioner, it reveals that it is the grievance of the writ petitioner that the private respondent no. 11 who according to the writ petitioner is a foreign national (Bangladeshi) has made some illegal construction over the bank of the pond which belongs to the writ petitioner.
3. It is submitted on behalf of the writ petitioner that on account of such alleged illegal act by the private respondent no. 11, the writ petitioner has made a representation with the respondent no. 7/authority on 14.07.2025 but of no effect.
4. It is thus submitted that it is a fit case for issuance of appropriate writ/writs as prayed for in the prayer portion of the writ petition.

5. Such prayer is vehemently opposed by Mr. De, learned Additional Government Pleader appearing on behalf of the State by stating that the writ petitioner has chosen a wrong forum to ventilate his grievance.
6. On careful perusal of the entire materials as placed before this Court, it appears to this Court that it is the grievance of the writ petitioner against the private respondent no. 11 that the said private respondent has made some illegal construction over his property which is classified as 'Pukurpar' (bank of the pond).
7. It appears to this Court that the writ petitioner has alternative remedy for ventilating his grievance before the Common Law Forum.
8. In this regard this Court proposes to place his reliance upon the judgment of ***U.P. State Spinning Co. Ltd Vs. R.S. Pandey & Anr.*** reported in **(2005) 8 SCC 264**, wherein the Hon'ble Supreme Court expresses the following:

"11.

Normally the High Court should not interfere if there is an adequate efficacious alternative remedy. If somebody approaches the High Court without availing the alternative remedy provided, the High Court should ensure that he has made out a strong case or that there exist good grounds to invoke the extraordinary jurisdiction.

16.

There are two well-recognized exceptions to the doctrine of exhaustion of statutory remedies. First is when the proceedings are taken before the forum under a provision of law which is ultra vires, it is open to a party aggrieved thereby to

move the High Court for quashing the proceedings on the ground that they are incompetent without a party being obliged to wait until those proceedings run their full course. Secondly, the doctrine has not application when the impugned order has been made in violation of the principles of natural justice.”

9. In view of the proposition of law as decided by the Hon’ble Supreme Court and in view of the availability of the alternative remedy, this Court considers that the writ petitioner is not entitled to get any relief as prayed for.
10. With the aforementioned observations, the instant writ petition being **WPA 18136 of 2025** is hereby dismissed.
11. There shall be, however, no order as to costs.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)