

12.09.2025
Sl. No.15
Ct. No.42
ss

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

W.P.A. No. 21077 of 2025

Sahajahan Molla

Versus

The State of West Bengal & Ors.

Mr. Kallol Kumar Basu
Mr. Jannat ul Firdose
Mr. Rajsekhar Hota

... for the petitioner.

Mr. Manas Kundu
Ms. Suchita Banerjee

... for the State

Mr. Mohinoor Rahaman
Mr. Imdadul Biswas
Mr. Iqra Rahaman

... for the respondent

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon respondent authorities to take appropriate steps against the illegal construction undertaken by the private respondent.
3. Petitioner contends that he and his family members are the owners of the landed property comprised within plot Nos.809, L.R. Khatian Nos.5569, 5570 and 5571, J.L. No.73, Mouza Pifa, Police Station Basirhat measuring 4 decimals of land and are possessing the said land. The petitioner filed a civil suit being Title Suit No.596 of 2025 before the learned

Civil Judge (Senior Division), Basirhat, North 24-Parganas, wherein the learned civil court was pleased to pass an order of injunction in favour of the petitioner. The private-respondent no.4 has illegally constructed one shop room by occupying 1 decimal of land out of 4 decimals. In response to an application under Right to Information Act of the petitioner, it is informed that the shoproom has been constructed by private respondent no.4 without obtaining permission. The petitioner made a representation before the local Gram Panchayat (Annexure P/3) for redressal of his grievance. However, no steps have been taken. Hence, this writ petition.

4. Mr. Kallol Kumar Basu, learned Advocate for the petitioner submits that specific direction be issued upon the local Gram Panchayat to consider and dispose of the representation of the petitioner (Annexure P/3).
5. Mr. Mohinoor Rahaman, learned Advocate for the private respondent no.4 submits that no such illegal construction has been undertaken by the private-respondent no.4 and further the dispute is pending before the civil court.
6. Mr. Manas Kundu, learned Advocate representing the State-respondent submits that the dispute is civil in nature.
7. On going through the averments made in the writ petition as well as the order of the learned civil court

annexed to the writ petition at page 12, it is found that the learned civil court passed an order on 20th June, 2025 in respect of the property in question at the instance of the petitioner as follows:

*“Hence, it is **ORDERED** that the plaintiffs and the defendants are directed to maintain status quo as on this date with regard to the nature & character, transfer and joint possession of the suit property till 24.07.2025.*

Plaintiffs are directed to comply with the provision of Or.39 rule 3(a) and (b) of the CPC.”

8. Thus, it is found that the parties have been directed by the learned Civil Judge to maintain *status quo* with regard to nature, character and transfer and joint possession in respect of the property in question. Thus, the dispute as raised in the writ petition is a private dispute and civil in nature. Hence, the writ petition falls short of merit.
9. Accordingly, the writ petition being **WPA 21077 of 2025** is hereby dismissed.
10. However, it is left open to the petitioner to approach the jurisdictional civil court.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand dismissed.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)