

WPA 20846 of 2024
Sk. Hanif Rowson
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Sadhu

...for the Petitioner

MD. Mansoor Alam,
Ms. Chandrani Mukherjee

...for the State

The petitioner alleges unauthorised construction at the instance of respondent nos. 7 and 8. It is contended that, without obtaining a sanctioned plan from the Panchayat Authority, respondent nos. 7 and 8 have undertaken certain construction works that encroach upon a common passage, thereby obstructing the petitioner's free ingress to and egress from his residential house.

Learned counsel appearing on behalf of the State, on the other hand, points out that in paragraph 6 of the writ petition, the petitioner himself has admitted that he has already instituted a civil suit before the competent court alleging encroachment, and that an order of injunction has been passed by the said civil court.

In view of the above, since the petitioner has already approached the civil court and obtained an order of injunction, he cannot be permitted to maintain the present writ petition as a parallel proceeding in respect of the selfsame cause of action.

Accordingly, **WPA 20846 of 2024** is dismissed.

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.)