

A661

11-12-2025

AKG

Ct. 15

WPA 21485 of 2024
Sri Biswanath Maity
Vs.
The State of West Bengal & Ors.

Mr. Prasanta Bishal

...for the Petitioner

Mr. Samrat Paul

...for the State

The petitioner alleges that respondents nos. 7 and 8 have undertaken unauthorised construction on Dag No. 373, J.L. No. 131, Mouza Murisai, P.S. Marisda, Purba Medinipur. It is submitted that respondents nos. 7 and 8 are co-sharers of the property. It further appears that a partition suit is presently pending between the parties, and that the Civil Court has issued an order of injunction restraining the parties from altering the nature and character of the land.

Learned counsel for the petitioner submits that the construction in question has been carried out in violation of the said order of the Civil Court.

In view of the above circumstances, I am not inclined to entertain this writ petition, as permitting the petitioner to proceed before two forums simultaneously in respect of the same cause of action would be inappropriate.

This order, however, shall not preclude the petitioner from filing an appropriate application in the pending civil suit.

Accordingly, **WPA 21485 of 2024** stands 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.)