

24.09.2025.
Court No.13
Item No. 25
ap

M.A.T No. 1558 of 2025
With
I.A. No. CAN 1 of 2025

Kamal Krishna Pandit & Ors.
Versus
The Secretary, Ministry of Panchayat Department & Ors.

Mrs. Santi Das,
Ms. Satabdi Das.

...For the appellants.

Mr. Pantu Deb Roy, ld. AGP,
Mr. Subrata Guha Biswas.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The appellants are aggrieved by an order dated 14th August, 2025 passed by a learned Single Judge of this Court in W.P.A. 6082 of 2024.
3. The petitioners' grievance in the writ petition was that the private respondent carried out construction on his property without sanction from the local Gram Panchayat. At the initial stage of the writ petition, the learned Single Judge of this Court directed the Prodhan of the concerned Gram Panchayat to file a report to ascertain as to whether the petitioners' representation dated 8th February, 2024 was considered or not. No such report was filed before the learned Single Judge of this Court. When the writ petition was taken up for final consideration, another learned Single Judge of this Court found that the petitioners had already filed a civil suit being Title

Suit No. 428 of 2023 before the learned Civil Judge (Junior Division) 2nd Court, Contai against the private respondent.

4. In the said suit apart from alleging that the private respondent has not obtained the sanction of the Prodhan of the concerned Gram Panchayat it was alleged by the appellants that the private respondent has encroached upon the appellants' land. The Civil Court has ordered status quo to be maintained in respect of the property in the meantime.

5. In the instant appeal, it is argued that since another Single Judge of this Court had directed the Prodhan of the concerned Gram Panchayat to file a report as regards the petitioners' representation, the dismissal of the writ petition by the learned Single Judge in view of pendency of the civil suit filed by the appellants, was erroneous.

6. This Court notes that the ultimate remedy that the appellants seek is against the encroachment by the private respondent on the appellants' land. The construction effected by the private respondent without sanction can also be an issue in the Civil Suit. The remedy for violation of an order of status quo passed by the Civil Court is under Order 39, Rule 2A of the Code of Civil Procedure.

7. Having regard to the above, this Court is of the view that the petitioners may seek impleadment of the Gram Panchayat in the civil suit. The appellants may

also seek amendment of the plaint to the extent permissible in law.

8. The instant appeal is, therefore, disposed of with the directions contained hereinabove.

9. In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)