

W.P.A. 23199 of 2024

**Bhabatosh Mandal
-Vs.-
The State of West Bengal & Ors.**

Mr. Rafikul Islam Sardar
....for the petitioner

Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Amartya Pal
...for the State

Mr. A. Chakraborty
...for the respondent nos. 8 & 9

Affidavit-of-Service filed in Court today be kept
with the records.

The grievance of the petitioner is directed
against the alleged illegal and unauthorised
construction by the private respondents. It is
submitted that the private respondents are
unauthorisedly constructing a two storied building
without having obtained any building plan from the
concerned Purba Medinipur Zilla Parishad.

On behalf of the private respondents it is
submitted that there is a civil suit pending between
the parties and different orders have been passed
from time to time.

Additionally, in an earlier writ petition being
WPA 24030 of 2022 (*Bhabatosh Mandal & anr. vs.
The State of West Bengal & Ors.*), the petitioner was
granted liberty to approach the Civil Court in case of
any illegal and unauthorised construction.

The State-respondents are represented and submits that in view of the order dated 16 November, 2022, the petitioner is forum shopping and revisiting the earlier direction passed by a Co-ordinate Bench.

In view of the submissions made on behalf of the parties, WPA 23199 of 2024 stands disposed of by granting liberty to the petitioner to approach the Civil Court and file an appropriate application for inspection or investigation and to ascertain the exact factual position in terms of the earlier order dated 16 November, 2022.

However, there shall be no order as to costs.

Since affidavits have not been invited, the allegations made in the writ petition are deemed not to have been admitted.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)