

A687 18-12-2025
AKG
Ct. 15

WPA 24482 of 2024
Sri Ramchandra Karuri
Vs.
The State of West Bengal & Ors.

Ms. Soumi Chakraborty

...for the Petitioner

Mr. Dhiman Banerjee

...for Respondent No. 10

Learned counsel appearing for the petitioner submits that respondent no. 10, who is a co-sharer, has constructed a G+3 storied building on L.R. Dag No. 161, Mouza-Bipannapara, Domjur, Howrah.

It is further submitted that the petitioner has obtained information from the concerned Zilla Parishad to the effect that the said construction has been carried out without any sanctioned plan. On such basis, the petitioner seeks demolition of the building constructed by respondent no. 10.

Learned counsel appearing for respondent no. 10, on the other hand, submits that the construction was undertaken after obtaining a sanctioned plan from the Zilla Parishad. It is further submitted that a partition suit between the parties is pending before the competent civil court, and an injunction order has already been passed therein.

This Court is not inclined to adjudicate upon the issue

of whether the construction was made without a sanctioned plan at the instance of the petitioner. The petitioner, being a co-sharer, has approached this Court only after completion of the G+3 storied building, having consciously allowed the respondent to proceed with and complete the construction. After completion thereof, the petitioner cannot now expect this Writ Court to initiate demolition proceedings on the ground of absence of sanction. Moreover, a civil suit between the parties is pending and an injunction order has already been passed.

In the event of any violation of the injunction order, the petitioner has an efficacious remedy before the civil court.

In view of the above, this writ petition is not entertained.

Accordingly, **WPA 24482 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.)