

09.07.2025

Sl. No.54

Ct. No.42

ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 24890 of 2024

Basudeb Pramanik

Versus

The State of West Bengal & Ors.

Mr. Ramashis Mukherjee

Ms. Munmun Mondal

... for the petitioner

Mr. Bimalendu Das

Ms. Ananya Neogi

...for the State-respondent

Affidavit of service filed on behalf of the petitioner is taken on record.

This writ petition has been filed seeking for consideration of the representation of the petitioner dated 25th August, 2024.

The petitioner contends that he is in possession of the landed property by way of grant of settlement of *patta* in his favour comprised within Mouza Garhkamalpur, Dag No.790/1605,1018, Khatian No.745, J.L. No.112. The private respondent being the brother of the petitioner is trying to make illegal construction by encroaching over such property. Over such dispute, a civil suit being Title Suit No. 217 of 2010 has been filed before the learned Civil Judge (Junior Division), Haldia and an order of injunction

has been passed restraining the private-respondent/defendant from causing disturbance to the possession of the plaintiff/petitioner. The private respondent has undertaken illegal construction violating the injunction order passed by the learned trial court and without obtaining permission from the local Gram Panchayat. A representation was made before the local Gram Panchayat. However, no steps have been taken. Hence, this writ petition.

Mr. Ramashis Mukherjee, learned Advocate for the petitioner submits that the construction work has been undertaken by the private-respondent without having necessary permission from the local Gram Panchayat. He seeks for direction upon the local Gram Panchayat to consider and dispose of the representation of the petitioner.

Mr. Bimalendu Das, learned Advocate representing the State-respondent submits that the entire dispute is civil in nature. The petitioner has filed a suit and an order of injunction restraining the defendant from causing disturbance to the possession of the plaintiff/petitioner has been passed by the learned trial court. He seeks for dismissal of the writ petition.

Despite service none appears on behalf of the private-respondent no.9.

From the materials placed before this Court it is found that on the prayer of the petitioner in Title Suit

No.217 of 2010, the learned Civil Judge (Junior Division), Haldia has passed an order of injunction restraining the defendant from causing disturbance to the possession of the plaintiff over the schedule land. Thus, the dispute between the parties is precisely private and civil in nature, which should be adjudicated by the jurisdictional civil court.

With the aforesaid observation, the writ petition being **WPA 24890 of 2024** stands dismissed.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)