

WPA 24426 of 2025

Sk. Anowar Ali
Vs.
The State of W. B. & Ors.

Mr. Rafikul Islam Sardar
Mr. Uttam Kr. Pradhan ...for the petitioner.

Mr. Jayanta Samanta
Ms. Bratati Roy Chowdhury
Ms. Paramita Malakar (Dutta) ...for the State.

Mr. Guddu Singh
Mr. Ramprakash Shukla ...for the respondent No.4.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that the petitioner and the private respondent are co sharers in respect of a pond. The private respondent has been raising unauthorized construction therein by filling up the pond for which the petitioner filed a writ petition before this Court which is pending.

During pendency of the earlier writ petition, the private respondent has continued to raise further construction for which the petitioner lodged a complaint before the police. No step being taken by the police pursuant to the said complaint, the present application has been filed.

Learned counsel for the State submits that the petitioner should approach the appropriate forum for redressal of his grievance.

Learned counsel for the private respondents submits that the private respondent has raised construction of a single storied house on his own land in 2003 by obtaining sanctioned plan for the same.

Be that as it may, since an identical writ petition is pending before a co ordinate Bench of this Court, the present writ petition filed on the same cause of action is not maintainable.

Also, in view of the law laid down by the Hon'ble the Supreme Court in the authority in Aleque Padamsee & Ors. vs. Union of India reported in (2007) 6 SCC 171, the petitioner is at liberty to approach the appropriate forum for redressal of his grievance in the event his complaint has not been acted upon by the police authority.

Accordingly, the writ petition is dismissed.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)