

Sl. No.ML697
18.12.2025
Suman
Ct. 15

WPA 25684 of 2024

Champa Chakraborty (Sikari) and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Nikhil Kumar Gupta
Ms. Laboni Bar
..for the petitioners

The petitioners allege that respondent no. 11 is running a grocery shop on the plot of land in question, although the shop room has been constructed without obtaining any permission from the Panchayat Authority.

It is the case of the petitioners that the plot on which the grocery shop is situated is owned by them. The petitioners further allege that, on the strength of a forged deed, respondent no. 11 is claiming right, title, and interest over the said plot and is running his business illegally.

It is not in dispute that the grocery shop is presently in operation. The photograph annexed to the writ petition also indicates that the shop structure was constructed long ago.

In my view, there is no scope for adjudicating the right, title, or interest of the

parties in respect of the shop room in question in the present writ petition. The petitioners cannot expect a demolition order from this Court merely on the ground of absence of a sanctioned plan. It is admitted that the shop in question has been in existence for a considerable period of time and that respondent no. 11 has been carrying on the grocery business from the said premises for a long time.

The dispute, in essence, appears to be civil in nature, and the belated invocation of the alleged absence of a sanctioned plan cannot be permitted to confer a public law remedy upon what is fundamentally a private dispute.

This order shall not preclude the petitioners from initiating appropriate proceedings in accordance with law.

Accordingly, **WPA 25684 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)