

14 09-12-2025
AKG
Ct. 15

WPA 25480 of 2025

**Swapan Chakraborty
Vs.
State of West Bengal & Ors.**

Mr. Amit Ranjan Pati,
Mr. Sunayan Ghosh,
Ms. Swastika Chowdhury,
Ms. K. Kubra,
Ms. Ilika Nag,
Mr. Avijit Chatterjee,
Mr. Anish Goswami

...for the Petitioner

Ms. Rama Halder,
Ms. Srabani Biswas

...for the State

Mr. R. N. Mahato,
Mr. A. S. Roy

...for Respondent No. 6

The petitioner alleges that respondent no. 6, his nephew, has raised an unauthorised construction on Plot Nos. 224 and 284, J.L. No. 474, Mouza-Nijpapan, P.S. Debra, Paschim Medinipur. It is contended that the construction on the said plots was undertaken without obtaining any sanctioned plan from the Panchayat Authority.

Mr. Mahato, learned counsel appearing for respondent no. 6, has produced a sanctioned plan for a one-storied building on Plot No. 224. He further submits that a partition suit is pending between the parties before the competent Civil Court. Mr. Mahato acknowledges that some additional construction was carried out on the first floor by respondent no. 6 pursuant to an amicable arrangement between the parties. However, the Civil Court

passed an ad-interim injunction order on February 10, 2021, which was subsequently confirmed on April 24, 2024. After the ad-interim injunction, respondent no. 6 has not undertaken any further construction.

Learned counsel for the petitioner disputes the statement made on behalf of respondent no. 6.

This Court is of the view that, in light of the existing injunction order passed by the competent Civil Court, the petitioner should be allowed to seek his remedy in accordance with law by filing the appropriate application in the pending civil suit.

Accordingly, **WPA 25480 of 2025** stands 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.)