

18.08.2025  
Item No. 27  
Ct. No. 42  
AN

**WPA 25733 of 2023**  
**Sariful Mondal**  
**vs.**  
**State of West Bengal & ors.**

Mr. Manas Kr. Das  
Mr. Tushar Sil

... for the petitioner

Mr. Naba Kumar Das  
Mr. Supriya Majumder

... for the State

1. Affidavit of service filed today be kept with the record.
2. By the present writ petition, the writ petitioner seeks direction upon the respondent authorities, particularly, respondent nos. 6 and 7 to remove the unauthorised construction encroaching the petitioner's plot of land.
3. The petitioner contends that respondent no. 6 with the aid and assistance of respondent no. 7 has undertaken work of construction illegally over some portion of the land of the petitioner comprised within R.S. Plot No. 3410. L.R. Plot No. 2972, L.R. Khatian No. 923 situated at Mouza Uttar Goas within the District of Nadia, Police Station Karimpur. The petitioner filed a civil suit for partition being Title Suit No. 303 of 2023 before the learned Civil Judge (Junior Division), Tehatta, Nadia against the Pradhan of the local Gram Panchayet

as well as private respondent no.9 alleging of such illegal construction and in the said suit, the parties were directed to maintain *status quo* with regard to the nature, character and possession of the parties. A representation was made on 5<sup>th</sup> September, 2023 before the respondent authorities concerned, however, no steps have been taken yet. Hence this writ petition.

4. Mr. Manas Kumar Das, learned counsel appearing for the petitioner submits that the representation of the petitioner dated 5<sup>th</sup> September, 2023 be relegated to the concerned authority for consideration.

5. Mr. Naba Kumar Das, learned counsel representing the State submits that the construction has been undertaken on a land vested with the State and there is an old office building since 1979. Therefore, allegations made in the writ petition are unfounded. The dispute is civil in nature and seeks for dismissal of the writ petition.

6. Despite service, none appears on behalf of respondent nos. 7 and 9.

7. Admittedly, the petitioner filed the civil suit against respondent no. 7 and 9 being Title Suit No. 303 of 2023 before the learned Civil Judge (Junior Division), Tehatta, Nadia alleging of illegal construction being undertaken by the Pradhan of the local Gram Panchayet. Upon hearing, the learned Civil Court passed an order directing both the parties to maintain *status quo* as

regards the nature, character and possession of the parties both physical and legal as it stands till date. Thus, the entire dispute as raised in the writ petition, is sub-judice before the learned Civil Court. Thus the writ petition is not maintainable and is liable to be dismissed.

8. Accordingly, writ petition being no. WPA 25733 of 2023 stands dismissed.

9. Consequently, connected applications, if any, also stand dismissed.

10. Interim orders, if any, stand vacated.

11. There shall be no order as to costs.

12. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

**(Bivas Pattanayak, J.)**